# *PROCEEDINGS*

OF THE

## GRAND JURIES,

MAGISTRATES, AND OTHER NOBLEMEN AND GENTLEMEN,

OF THE

*COUNTY OF GLOCESTER;*

ON THE

CONSTRUCTION AND REGULATION

OF

# THE PRISONS

*FOR THE SAID COUNTY.*

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OF THE

## *GRAND JURIES,*

MAGISTRATES, AND OTHER NOBLEMEN AND GENTLEMEN,

OF THE

## *COUNTY OF GLOCESTER,*

ON

## Designing & Executing a General Reform

IN THE

## CONSTRUCTION AND REGULATION

OF

# THE PRISONS

FOR THE SAID COUNTY.

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*THIRD EDITION,*

CORRECTED AND ENLARGED BY

SIR G. O. PAUL.

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# PREFACE.

THE following pages, originally deſigned for the uſe of a particular county, I ſhould, by no means, have preſumed to offer to more general attention, but at the requeſt of many reſpectable Members of Parliament, and other friends to a general operation of the reform recommended.

If, indeed, (as appears from Mr. HOWARD'S Publication,) the defects in inſtitution of the priſons within the county of Gloceſter, are, in a greater or leſs degree, defects which prevail throughout the kingdom; arguments drawn from local circumſtances will be of general application, and may be of general utility.

Should I be ſo fortunate as to fix the ſerious attention of the members of the legiſlative body on the miſerable ſtate of this part of our national police; I ſhall feel juſtified in my attempt, and, with diffidence, ſubmit errors of detail to the candour of the public.

G. O. PAUL.

*Hill Houſe,*
*Oct.* 28, 1783.

# ADVERTISEMENT.

## *GLOCESTERSHIRE.*

### LENT ASSIZES, 1783.

*Grand Jury Chamber, March* 29.

THE Gentlemen of the Grand Jury, on enquiry into the cauſes of the preſent miſerable ſtate of health of the priſoners in the County Gaol,—are unanimouſly of opinion:

THAT not only the ſickneſs of the priſoners, but that the general increaſe of immorality and outrage may, in a great meaſure, be attributed to the uſeleſs ſtate of the Houſes of Correction, and the conſequent indiſcriminate mode of confinement in the County Gaol;

THAT, whilſt perſons committed for fines and the leſſer offences, are aſſociated with deſperate and daring offenders—the confinement (intended for their correction) can prove no other than a ſchool of vice, and a certain introduction to the moſt infamous practices;

THAT it is inconſiſtent with the humanity and wiſe diſcrimination of the ſpirit of our laws, that the *unfortunate*

*innate* ſhould ſhare a common fate with the *infamous*, or that the barely *accuſed* ſhould, without diſtinction, be claſſed with the *convicted* priſoner;

It appears to them, that in the preſent profligate ſtate of morals, little reform can be expected from the moſt active exertions of the Magiſtrate, unleſs they are ſeconded by providing proper places of confinement and diſcipline, ſimilar to thoſe recommended by the humane and intelligent Mr. HOWARD.

CONVINCED as they are of the neceſſity of a ſpeedy remedy, it is evident no ſteps ſhould be taken without the *general approbation*, (as none can be effectual without the active concurrence,) of the perſons of principal landed property in the County;—To *them* therefore the preſent Grand Jury think it their duty to ſubmit their opinions, and they further recommend a conſideration of the ſubject to the Grand Jury at the next Summer Aſſize;—*previous* to which, it may be preſumed the importance of the object will prompt the gentlemen concerned, to compare the end to be obtained with the means of obtaining; and the general ſenſe of the public on the undertaking may *then* be aſcertained.

Signed by requeſt of the Gentlemen of the Grand Jury,

G. O. PAUL, FOREMAN.

TO THE

*Gentlemen of the Grand Jury*

FOR THE

# COUNTY OF GLOCESTER,

AT THE

*SUMMER ASSIZES*, 1783.

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THE miſerable ſtate of health of the priſoners in the County Gaol, at the laſt Spring Aſſize, was ſo ſhocking to humanity, and ſo injurious an impediment to the courſe of public juſtice, that it appeared to the Grand Jury, then aſſembled, to be eſſentially their duty, to enquire into the cauſes which had produced it. Upon a careful inveſtigation, it has not appeared that the fatal effect is attributable to any neglect in the officers of the priſon; but that putrid diſtemper is a natural and almoſt neceſſary conſequence, to which a full gaol, with its preſent defects in conſtruction, muſt ſubject its inhabitants.

LONG ſince convinced that the priſons of this County are, from their ſtructure, incompetent to the

purpoſes of public juſtice and reformation, as well as that their ſyſtem of regulation is inconſiſtent with every principle of humanity, and every ſentiment of benevolence; I took that opportunity to offer to my brethren ſome general propoſitions on the ſubject. The feeling attention with which my obſervations were received by the very reſpectable body of magiſtrates whom I addreſſed, convinced me that it was ignorance of the melancholy facts, with, perhaps, an indolent dread of meeting the difficulties attending the execution of an extenſive reform, that had cauſed them, ſo long, to remain ſubject to the reproach of neglecting to correct the notorious abuſes of ſome of the worſt appointed priſons in this, or any other country.

THE propriety of undertaking a reform, on a great and general plan, met with unanimous concurrence, and was ſtrongly promoted by the liberal propoſals of a gentleman,* then preſent, who, on any local improvement of our County Gaol, muſt be materially conſulted. I was requeſted by the Grand Jury to publiſh their reſolutions, and to promote the further conſideration of the ſubject at the following Aſſize.† Theſe requeſts I have fulfilled.

ALTHOUGH it is poſſible I might beſt promote the purpoſe I have in view, by leaving the conduct of it to perſons, who poſſeſs a greater weight of property and

* Benjamin Hyett, Eſq. Conſtable of Glocceſter Caſtle, by grant from the Crown.

† Vide advertiſement prefixed to this Addreſs.

conſequence

conſequence in the county; yet, as my name has already appeared to a general ſtatement of reaſons in favour of the undertaking, I ſhall now take the liberty of ſubmitting to you my thoughts more at large on the propoſition for a general reform of the priſons of this county; begging to be underſtood, that by Reform I mean nothing leſs, than an entire correction of the *principle* of our modes of impriſonment;—the conſtruction of our priſons, as well regarding thoſe for the *leſſer* as for the *greater* crimes;—their police;—and the plan of their future ſuperintendance: No leſſer object will juſtifiy us in putting the County to the expence of a material alteration, as nothing leſs will produce that amendment of morals and obedience to law, which are eſſential to the general intereſts of civil ſociety.

I TRUST no public meeting of this County will ever again indolently ſeparate, without a complete inveſtigation of the ſubject now brought into queſtion: if it does, ſuch conduct ſhall no longer be excuſed by the plea of ignorance of the unjuſt and indiſcriminate miſeries which become the lot of that portion of our fellow-creatures, who are confined in the priſons of this county; nor from the neglect of conſidering the incompetency of the exiſting means, to the end propoſed by confinement. It ſhall not be for want of this broad ſuggeſtion, that, whilſt the conduct of priſons is by the laws intruſted to our direction, every ſuffering, not warranted by the *ſpirit* as well as *letter* of the law, is extra-judicial puniſhment, for which we are anſwerable to injured humanity.

It is impoſſible to enter on this ſubject, without paying a tribute of reſpect to the indefatigable Mr. Howard, the preſiding genius of reform of theſe melancholy manſions of oppreſſion and diſtreſs:—to him whoſe diſintereſted and diffuſive philanthropy is ſcarcely unknown to any, although not attended to as it ought to be, by thoſe, for whoſe information his reſearches and obſervations are intended; for to him all future reformers are indebted for ſeeing what they ſee, and feeling what they feel; they only reflect the rays of his benevolence on mankind. It is now ten years ſince, in conſequence of an impreſſion made on his mind, when Sheriff of the County of Bedford, he determined to viſit all the priſons of England; and not content with purſuing miſery into every the moſt nauſeous dungeon of the moſt remote priſon of *theſe* kingdoms, but, obſerving the ſame ſpirit of abuſe and neglect to pervade them all, without one precedent for reform, he took the reſolution to extend his inveſtigation to the priſons of the more arbitrary ſtates of Europe: He there found innumerable examples worthy imitation; not one that excuſed his country, by compariſon. His obſervations he has laid before the world, with a laborious preciſion, which vouches for their authenticity, and will juſtify my reaſoning on the facts he has adduced, without further enquiry. He is now continuing his purſuits in Ireland, with intent to re-publiſh his works, with additional obſervations on the gaols he has re-viſited. He has already favoured me with his intended remark on our County Gaol; namely, "That it ſtill poſſeſſes all the imperfections

perfections he had ten years before noticed to the public."*

After such an introduction, I may probably be conceived the favorer of an abstract system of humanity, inadmissible in practice; of a doctrine that would weaken the dread of confinement, and destroy the purposes of justice: by no means: I am not of the number of those, who, to indulge a mis-placed tenderness of heart, would unbind the just terrors of the law: I am far from thinking that prisons should be scenes of comfort. They should be places of terror, to those whom the laws would terrify; of punishment, to those whom they would punish; but of mere, though secure, confinement for such as, on just grounds of suspicion, the police find it necessary to confine for judicial trial.

I would, if it were possible, that the divisions of prisons should, in the principle of their construction, be as distinct as the nature of offences; so that no culprit might escape the just visitation of the law, from a want of due means to inflict it. I plead for no more than a just discrimination. We should not then see the hardened villain, who has incurred the forfeiture of his life to the injured laws of society, abusing the mercy of his Sovereign, by instructing young and ig-

* His humane representations were heard before Parliament, and produced two Statutes of the 14th of Geo. III. The one, *for the relief from fees of prisoners acquitted*; the other, *for preserving the health of prisoners.*

 norant

norant offenders in thoſe very acts which have brought himſelf to judgment of death: We ſhould not find him revelling in drunkenneſs among his fellows, becauſe the wages of his former iniquities have procured him a fund for its ſupport: We ſhould not ſee the young offender (detected perhaps in his firſt attempt) liſtening to the experienced tale which decides him in his incipient profligacy: We ſhould not condemn to chains, and, as in ſome caſes, to a loathſome dungeon for ſix months, a man ſuſpected of a crime, of which his country, at the end of that term, may honourably acquit him: nor could we, with any regard to diſtributive juſtice, place the unfortunate debtor (perhaps the victim of misfortune) in a worſe ſtate than the convicted malefactor, and leave him only to regret that he had not ſupplied thoſe wants, which cauſed him to be lodged in priſon, by ſuch means as have ſecured a ſuſtenance to his fellow priſoner. Is it for purpoſes of reformation, that the idle are ſent to priſons unprovided with means of working? or that the lewd of the one ſex ſhould paſs their time with thoſe of the other, diſpoſed to the ſame propenſity? And what is it leſs than palpable abſurdity, to commit a pennyleſs offender "*till he pays a fine*," and then deny him the exerciſe of his art and induſtry, to enable him to work out his liberation?

It cannot be denied, that the conſtruction and police of priſons, ſhould be conſonant to the ſpirit of that law, for the fulfilment of whoſe purpoſes they are conſtructed; and that they ſhould offer the means of

diſpenſing

diſpenſing with all poſſible preciſion, the portion of ſentence which the law preſcribes. Diſcrimination of offence and puniſhment is ſo eſſential a principle of Engliſh legiſlation, that it ſacrifices to it much of that ſimplicity and conciſeneſs, which would otherwiſe add to the perfection of its ſyſtem. This ſacrifice may well be diſpenſed with, whilſt, in the onſet of the execution, its purpoſes are rendered nugatory by the very ſtructure and regulation of our priſons.

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In treating this ſubject, I ſhall, *firſt*, conſider how far the SPIRIT of the law of England *implies* a principle of diſcrimination, and an attention to humanity, in its various ſentences to impriſonment:—*ſecondly*, Whether the STATUTES have *enjoined* ſuch a principle and ſuch an attention:—*thirdly*, I ſhall proceed to enquire in what manner priſons ſhould be conſtructed, to accord with the ſpirit of the law, and comply with the injunctions of the ſtatutes:—*fourthly*, I ſhall lay before you the actual ſtate of the priſons of this county:—And, *laſtly*, I ſhall conclude with recommending a plan for their reform.

I. UNDER the Britiſh Conſtitution, it is indiſpenſible to juſtice, that criminality, proved by forms of law, ſhould precede puniſhment. The proof obtained, CONFINEMENT TO PUNISH ſhould alſo be confinement to reform: It ſhould be a ſtate of continued occupation, and of complete ſecluſion from the ſociety of former friends and aſſociates; by the one, to create a habit of induſtry; by the other,

to force reflection on the mind. But CONFINEMENT ON SUSPICION, juſtifiable as a mode of ſecurity of the perſon for that trial which is to decide between the accuſed and the accuſer, is not juſtifiable in means which go beyond that purpoſe. It is, therefore, a palpable inattention to diſtributive juſtice, to place theſe two claſſes of priſoners in ſimilar circumſtances. Confinement is, at beſt, a degree of puniſhment; and it is the proudeſt privilege of the law of England, to be ſo ſcrupulouſly jealous of this violation of liberty, that, where a *pecuniary* pledge can be conſidered a ſufficient ſecurity, the *perſonal* is diſpenſed with. "Commitment for trial" (ſays Sir W. BLACKSTONE) "being only for ſafe cuſtody, wherever bail will anſwer the ſame intention, it ought to be taken."* "The privation of liberty being a puniſhment, it "ſhould be inflicted before ſentence, with as much "tenderneſs as the neceſſity of the caſe will permit."†

THE intent of the law reſpecting the claſs of priſoners CONFINED ON SUSPICION, being *ad cuſtodiam*, no legal means ſhould be neglected to render that cuſtody ſecure; but every ſuffering from neglect or abuſe, which exceeds ſuch intent, is an oppreſſion, not only unwarrantable by law, but wholly repugnant to the ſpirit of the conſtitution.‡

THE

* Book iv. cap. 22.

† *Beccaria*, ſect. 19, page 88.

‡ "It is the proper end of cuſtody to keep thoſe, who are accuſed of "injuries to ſociety, amenable to the deciſions of juſtice. But as accuſations are not proofs, and as innocence is to be preſumed in every "ſtage

THE delicacy of the law, in presuming guilt in such prisoners, is sufficiently marked by the words of the oath we have taken, and the nature of the inquisition on which we, as Jurymen, are sitting. In contemplation of the possibility that an accusation may be false, either through malice or mistake, the law has ordained, that it shall be investigated by a jury of persons, in such situation of life as to be presumed of liberal education; to the intent, that, if any defect should appear in the evidence, the doubtfully accused person shall not even be arraigned before his country. What an humane attention of British legislation! yet how absurd! unless the present management of our prisons be a monstrous abuse. It frequently happens, that the verdict of our honourable acquittal, is announced to a wretch expiring in a pestilential disease, or so reduced by hunger and despair, that the freedom we award him is become a thankless boon. Are these our tender mercies? Is it for this we quit our domestic affairs? And is it thus we watch over the rights of our fellow citizens? conscientiously zealous to prevent the degrading feelings of public trial to a being, to whom we have already permitted a six month's captivity, associating with, and equally sharing the punishments of the convicted.*

WITHIN

" stage of the charge, previous to the conviction of guilt, the utmost ten-
" derness and lenity are due to the person of the prisoner. And here it
" should also be observed, that it is contrary to public justice, and pub-
" lic utility, to throw the accused and convicted, the innocent and the
" guilty, into the same dungeon "——*Eden, Pen. Law, c. 6. p. 51.*

* That this picture is not overcharged, it is only necessary to state, that, at the last Assizes, eleven bills were found against prisoners, in so bad

WITHIN ſight of that priſon, where cuſtom ſeems even to have juſtified the uſe of irons on accuſed priſoners; where, within the narrow limits the law has reluctantly decreed, they crawl encumbered with this arbitrary addition, it is not without riſk of cenſure, as a viſionary reformer, that I beg you to reflect, that, under the greateſt authority of the law, the police of a priſon, which authoriſes the habitual uſe of fetters, is illegal.

JUDGE BLACKSTONE, who will hardly be ſuſpected of doctrines ſubverſive of authority, (ſpeaking of commitment before trial,) ſays,* "But this im-
"priſonment is only for ſafe cuſtody, and not for
"puniſhment: Therefore, in this dubious interval
"between commitment and trial, a priſoner ought to
"be uſed with the utmoſt humanity; and neither be
"loaded with needleſs fetters, nor ſubjected to other
"hardſhips, than ſuch as are abſolutely requiſite for
"the purpoſe of confinement only; though what are
"ſo requiſite muſt too often be left to the diſcretion
"of the gaolers, who are frequently a mercileſs race
"of men, and, by being converſant in ſcenes of
"miſery, ſteeled againſt any tender ſenſation. Yet
"the law will not juſtify them in fettering a priſoner,

had a ſtate of health, that they could not take their trials;—and it is a fact, that two priſoners were expiring, whilſt the Grand Jury were examining their indictments, and were actually dead, before the bills were returned into Court.

During the laſt ten months, fourteen priſoners have died of the ſmall-pox and gaol diſtemper, of whom ſeven were perſons unconvicted of any crime,—three were fines—three debtors—and one convict.

* B. iv. c. 22.

"unleſs

" unleſs where he is unruly, or has attempted an " eſcape. This being the humane language of our " ancient lawgivers, *Cuſtodes pœnam ſibi commiſſorum* " *non augeant, nec eos torqueant; ſed omni ſævitia re-* " *mota, pietateque adhibita, judicia debite exequantur.*" And again—" *Though under an indictment of the " higheſt nature, the priſoner muſt be brought to the " bar without irons, or any manner of ſhackles or " bonds, unleſs there be evident danger of an eſcape."

THE learned editor of HALE's hiſtory obſerves, " That fetters ought not to be uſed but where the " officer has juſt reaſon to fear an eſcape, as where " the priſoner is unruly, or makes an attempt to that " purpoſe; but otherwiſe it ſeems altogether unwar- " rantable, and contrary to the mildneſs, and huma- " nity of the laws of England, by which gaolers are " forbidden to put their priſoners to any pain or " torment."

AND Lord COKE, 2 Inſt. 381, ſays, " By the " common law it may not be done.† If the gaoler " keeps the priſoner more ſtrictly than he ought, " whereof he dies, this is felony in the gaoler by the " common law, 3 Inſt. 91. FOSTER, 321, 322."

IN the report of the Gaol Committee, it appears, that on petition to the Judges, by one who had been

* BLACK. B. iv. c. 25.

† Vide BURNE, Vol. II. p. 340, 341.

put

put in irons, they declared, " That a gaoler could " not anſwer the ironing of a man, before he is " found guilty of a crime."*

" GRAND abuſion eſt, que priſonner ſoit charge " de ferres ou miſe en peine avant ceo qui ſoit attaint " de felony."†

THE ſafe cuſtody of priſoners is doubtleſs an object of indiſpenſable importance, and muſt be attained; but that ſafe cuſtody ought to ariſe, as it may do, from the conſtruction of priſons, and the attention of keepers. Lord Chief Juſtice King's reply to the gaolers, who complained of his injunction of the uſe of dungeons, is ſhort, and to the purpoſe; namely, " that they might raiſe their walls higher."

IF it be the right of an unconvicted priſoner to be without chains, the neceſſity which impoſes them, is indeed a " tyrant's plea," whilſt it ariſes from our own neglect.

THE power of habit, to miſlead our perceptions of the ſimpleſt ideas, is in no inſtance more evident, than that there is rarely an Aſſize, but, on this jury, we admit evidence to be given by men in chains; and this without producing the leaſt emotion at its inconſiſtency. We, on this moſt ſolemn occaſion, ad-

* Vide HOWARD, p. 14.

† MYRROR, c. 5, §. 1. 54.

mit

mit the credibility of a being, whilſt degraded below brutal nature: in receiving his teſtimony, we ſuppoſe him unconvicted of crime, and yet ſee him ſtand before us, ſuffering a corporal puniſhment.

THE exemption, which, within the gates of every priſon, we ſee granted to thoſe who have the ability to purchaſe it, is a ſufficient proof, that, bad as are the priſons of this kingdom, there are few in which irons are abſolutely neceſſary. In fact, irons, with their various aſſortments, and prices of diſpenſation, conſtitute a ſyſtem of official tyranny applied for the purpoſe of extortion, or to ſupply the defaults of duty.

MR. HOWARD mentions a priſon where, till within a very few years, the gaoler enſured the cuſtody of his priſoners "by chaining them down on their backs "upon a floor, acroſs which were ſeveral iron bars, "an iron collar with ſpikes about their necks, and a "heavy iron bar over their legs."—If a ſimilar ingenuity is not practiſed in other gaols, the priſoners are probably more indebted to the forbearance of the gaolers, than to any poſitive regulation to prevent it.

LATE experience muſt convince us, that, without care and fidelity in the keepers, even irons are of little effect. The cruel permiſſion has not enſured this county from eſcapes; nor has the diſpenſation from the cuſtom in other counties, been attended with any peculiar bad conſequences. When the gentlemen of Cornwall,

Cornwall, by conſtruction of a new priſon, "erected "a monument to their humanity,"* they endowed it with this, amongſt other mereiful regulations—"That "irons be provided at the county expence, and kept "ready, but not uſed, exeept they are abſoluteiy ne- "eeſſary for puniſhment or ſecurity."

In the various priſons Mr. Howard viſited on the continent, he ſaw no fetters, except in one or two partieular inſtanees;† but, when returned, he remarked at Saliſbury, "two crown-debtors eoupled "together, and chained to the outward door of the "priſon, begging alms of the paſſengers."

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With reſpect to PRISONERS FOR DEBT, it is not the buſineſs of our preſent meeting to arraign the equity of our laws, in ordaining a privation of liberty to debtors, without reſpect to the merits of their individual caſes. It is ſufficient that it has ſo ordained; with us, it reſts only to ſee the legal ordinanee meaſured to them in mercy.

The law has deereed impriſonment for debt; but the law has not intended, by the loſs of liberty, that the health, perhaps the life, of the debtor ſhould be de-

* Howard, p. 353, 395, 396.

† "In Paris, I was ſurpriſed at ſeeing that none of the priſoners in the courts were in irons. No gaoler may put them on any priſoner, without expreſs order from the judge; and yet, in ſome of the priſons, there were more priſoners than in any of the London gaols."—Howard, p. 166.

ſtroyed

ſtroyed by diſeaſe and famine ;* it has not ordained to debtors the humiliating ſituation, of being indiſcriminately aſſociated with men, guilty of the foulеſt crimes. Such of them at leaſt as have failed through folly or misfortune, and are thus doomed to be the neceſſary ſacrifices to commercial faith, claim an abundant ſhare of our pity and attention.

Regarding priſoners convicted of the leſſer crimes; —offenders againſt the public peace, public order, and public induſtry ;—the intent of the law, as to the nature of their impriſonment, is marked in the words of their commitment ;—" they ſhall be committed to " the Houſe of Correction, to *hard labour* :" hence it is clear, that the purpoſe of the law is to reform their idle habits, and to reſtore them to ſociety, in an improved ſtate of morals. How far theſe ends are likely to be anſwered by means of the exiſting ſyſtem, you may conclude, without being led by my further obſervations. It is notorious, that the only priſon of ſecure cuſtody within this county, is that in which it will not be contended there is any proſpect of amendment of morals, or any poſſible means of acquiring habits of induſtry ; it is one, in which the intention of the law is only fulfilled, if it deſign by puniſhment to reſent the injury, and not to correct the offender.

Addressing an enlightened magiſtracy, it muſt be unneceſſary for me to inſiſt, that the purpoſes of re-

* Within the laſt eight months, two debtors have periſhed by the gaol fever, and one by the ſmall-pox.

ſentment

ſentment and perſecution are foreign to the ſpirit of Engliſh juriſprudence; reſentment of perſonal injury is ſo natural to the diſpoſition of man, that the intent of legal inſtitution is to prevent its operation. A man can avenge himſelf, but the law alone can do him juſtice. "The end (ſays SIR WILLIAM BLACK-"STONE) or final cauſe of human puniſhment, is "not by way of atonement or expiation for the "crime committed, (that muſt be left to the juſt de-"termination of a Supreme Being,) but as a precau-"tion againſt future offences of the ſame kind. This "is effected three ways; either by amendment of "the offender himſelf; by deterring others, by dread "of his example, from offending in the like way; "and, laſtly, by depriving the party injuring, of the "power to do future miſchief. The method, however, "of inflicting puniſhments, ought always to be pro-"portioned to the particular purpoſe it is meant to "ſerve, and by no means to exceed it."* For every ſpecies of puniſhment, where the purpoſe is correction, the ſituation ſhould be ſuch as is calculated to produce reflection; the allowance of food ſhould be ſufficient to ſupport life, and preſerve health, yet not animate the ſpirits. Seclufion, and the conſequent dejection of ſpirits, are the natural parents of reflection. Air and light we ſhould not refuſe to a human being, who is ſuffered to live, and who patiently ſubmits to his doom. Scenes of horror may be provided, but only as a terror to the refractory, and as aids to the police of the priſon.

* BLACKSTONE, Book iv. c. 1.

THE

THE neceſſity of preſerving the health of priſoners of every deſcription, can need no argument of mine to impreſs it on your attention. "Foraſmuch (ſays "Mr. BURNE) as the gaol is intended in moſt caſes "for cuſtody, and not for puniſhment; and confine-"ment itſelf, in ſuch diſmal abodes, is ſufficiently afflic-"tive and diſconſolate, human nature will plead for "thoſe miſerable objects, that their condition be ren-"dered as tolerable as the caſe will admit of, particu-"larly with regard to cleanlineſs, which is the parent "of health; and wholeſome air, which is life itſelf." Our attention to this particular part of our duty ſeems, indeed, enforced by conſiderations, perſonal as well as public, as it regards—the priſoners themſelves;—their abſent families;—our fleets and armies;—and ourſelves, who, as Magiſtrates and Jurymen, muſt frequently meet the dangers of contagion if generated in priſons.

REGARDING the priſoner, an attention to his health is due on the ground of juſtice, as well as by the common claim of humanity. You are, in fact, not more juſtified in adding the ſufferings of diſeaſe to that ſpecific puniſhment which is the ſentence of the law, than you would be in inflicting a puniſhment on the abſolutely innocent. By the language of various ſtatutes, it appears to be the *poſitive* duty of the magiſtrates to ſee that the ſentence of the law is juſtly adminiſtered. No ſentence, under the Britiſh diſpenſation, is ſo cruel as to condemn a man to die by famine, to languiſh in diſeaſe, or to become a prey to filth and ver-

min; and yet, this is frequently the unintended effect of an humane appeal to mercy in favour of a condemned malefactor; and what is ſtill more ſhocking, but not leſs true, it is ſometimes the eventual conſequence of baſtardy; of ſnaring a hare; of avoiding a turnpike; or of ſelling a pint of ale without licence.* The Sheriff, who ſhould even change the mode of putting a criminal to death who had been ſentenced to be hanged, would be guilty of felony;† what then ſhall we ſay of that neglect, which deſtroys a life, not forfeited by law? The diſtinction betwixt commiſſion and omiſſion, though material to criminality in the acting cauſe, is to the ſuffering object merely caſuiſtical.

It is important in the view of national œconomy, to preſerve the health of thoſe whoſe lives are not forfeited; to the intent that when they ſhall return to their reſpective ſtations in ſociety, they may be enabled to maintain themſelves by the labour of their own hands, and not become a burthen on the public.

That it is an attention moſt urgently called for by exiſting circumſtances, to ſecure the families of diſcharged priſoners from the contagion of gaol diſeaſe, need not be urged to gentlemen now reſident in this county.

That this attention is really a duty to our country at large, as concerning our fleets and armies, may be

* Three perſons of this deſcription have actually died of gaol diſtemper, within the laſt eight months.

† Vide Blackſtone.

proved

proved by the teſtimony of many officers, who ſerved in the laſt war: one inſtance has been authentically related to me: A regiment raiſed on the ſpur of the occaſion for Weſt-India ſervice, and which had been plentifully recruited from the various priſons, embarked 700 men; the gaol fever ſpread itſelf through the embarkation, and raged with ſuch fatal effects, that the regiment arrived at its deſtination with only 40 men.*

THAT the health and purity of the air of priſons are objects perſonally intereſting to ourſelves, there are numerous melancholy proofs. Sir M. FOSTER mentions one very ſingular, in the caſe of a Mr. CLERK, who was tried at the Old Bailey, in April 1750. "Many people, who were in court, were "ſenſibly affected with a very noiſome ſmell. Within "a week after the ſeſſions many people were ſeized "with a fever of the malignant kind, and few who "were ſeized recovered. The perſons who died were "Sir SAMUEL PENANT, Lord Mayor; the two "Judges, Sir THOMAS ABDEY, of the Common "Pleas, and Mr. CLERK, a Baron of the Exchequer; "Sir DANIEL LAMBERT, Alderman; a gentleman "of the bar; the Under Sheriff; ſeveral of the Jury; "and about 40 others—(FOST. 74.)"

AT an aſſize at Oxford, 1577, called from its con-

* Dr. LIND, in his *Eſſay on the Health of Seamen*, aſſerts, "That the ſource of infection to our fleets and armies, is undoubtedly our jails. The firſt Engliſh fleet, ſent laſt war to America, loſt by it 2000 men." *Howard*, p 12.

ſequence, the black aſſize, all who were preſent died in 48 hours, the Judge, the Sheriff, and about 300 others. *(Baker's Chronicle, p. 853.)*

At Taunton in 1730, ſome priſoners infected the court; and the Judges, the Sheriff, a Serjeant, and ſome hundred others died. *(Howard, p. 12.)*

Mr. Howard has computed that many more are deſtroyed by the gaol fever than by executions in this kingdom. And the calculation holds very ſtrong in Gloceſterſhire, where it appears that of late the proportion has been as three dead of diſtemper to one executed.*

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II. Having thus conſidered what is *implied* by the ſpirit of our law, and the ſimple dictates of humanity; let us now examine what the ſtatutes have *enjoined* on the ſubject.

By *Habeas Corpus*, 30 C. II. c. 2. "Perſons committed for treaſon or felony ſhall be brought to trial the firſt ſeſſions of oyer and terminer after ſuch commitment."

By the 11 and 12 of Will. III. "The Juſtices of the Peace, or the greater number of them, within the limits of their commiſſions, (on preſentment of the Grand Jury at the aſſizes) may contract with any perſon for building or repairing gaols, &c."

* Mr. Howard, has ſtated that the gaol diſtemper is not known in the priſons abroad.

And

And, by the 7 J. c. 4. and 17 G. II. c. 5. "The Juſtices are enjoined to provide ſufficient bridewells; and they are empowered to proceed as regarding county gaols, &c."

By the 14 Eliz. c. 5. "Priſoners ſhall be provided for out of the general county rate, &c."

By the 19 C. II. "Juſtices, in their ſeſſions, may provide a ſtock of materials for ſetting poor priſoners to work, &c."

By 12 G. II. § 29. "Juſtices, in their Quarter Seſſions, ſhall have power and authority to make one general rate or aſſeſſment, as they, in their diſcretion, ſhall think neceſſary to anſwer all and every purpoſe of the above recited acts."

By 24 G. II. c. 40. "No licence ſhall be granted for retailing ſpirituous liquors within any gaol or priſon, and if the gaoler ſhall ſell, uſe, or give away any, he ſhall forfeit 100l. And a copy of the clauſes of the act ſhall be hung up in each gaol, under the penalty of 40s."

By 22 and 23 Ch. II. "A gaoler ſhall not keep or lodge priſoners for debt and felons together, &c. under pain of forfeiture of office and treble damages."

By 14 G. III. c. 59. "Whereas the malignant

fever, commonly called the Gaol Diſtemper, is owing to a want of cleanlineſs and freſh air, &c. Be it enacted, that the Juſtices in their ſeſſions, ſhall order the walls and ceilings of the different cells to be ſcraped and white-waſhed once in the year, at leaſt, and ſupplied with freſh air by hand ventilators or otherwiſe, and ſhall order two rooms in each priſon to be ſet apart for the ſick; that they ſhall order warm and cold baths to be provided, and no priſoner to go out without being firſt waſhed; and that this act be printed in legible characters, and hung up within the walls of the priſon; and if the gaoler diſobeys, he ſhall be proceeded againſt in a ſummary way, and pay ſuch fine as the court ſhall impoſe. And the ſaid Juſtices ſhall appoint an experienced ſurgeon or apothecary to each priſon, who ſhall report to the Quarter Seſſions the health of the priſoners."

By the 14 of G. III. c. 20. "Every priſoner, againſt whom no bill is found by the Grand Jury, or who ſhall be acquitted on trial, ſhall be ſet at liberty in open court, without paying any fee, or ſum of money whatſoever, to ſheriff or gaoler, in reſpect of ſuch diſcharge, &c."

And by the humane Act of the 32 G. II. c. 2. called the *Lord's Act*, the ſituation of Debtors is intended to be alleviated. "The gaoler ſhall permit a debtor to ſend for, or be ſupplied with, any neceſſaries, without putting any reſtraint, or demanding any fee, for the ſame. The Juſtices in their Quarter Seſſions ſhall

ſhall eſtabliſh a table of rates and fees, and vary the ſame from time to time, as they ſhall ſee occaſion; and ſhall cauſe the ſame to be hung up in ſome conſpicuous place of the gaol and court. And no gaoler ſhall directly, or indirectly, take a greater ſum than ſhall be ſo allowed, under penalty of 50l. and if any creditor, for a ſum not exceeding 100l.* ſhall inſiſt on detaining his debtor in priſon, he ſhall pay him 2s. 4d. every Monday."

By the 19th G. III. c. 74. "General Penitentiary-houſes ſhall be built according to the plan and directions therein enacted. To ſuch houſes ſhall be ſent perſons uſually tranſported; or who, having been capitally convicted, have received his Majeſty's mercy: They are there to be kept to labour, of the hardeſt and moſt ſervile kind, for eight hours in the day, during the months of *November*, *December*, and *January*; nine hours in *February* and *October*; and ten hours the reſt of the year: They ſhall be fed with bread and coarſe meat, and water or ſmall beer: They ſhall be cloathed with a coarſe and uniform apparel, with certain obvious marks affixed to the ſame, to humiliate the wearer, and facilitate diſcovery in caſe of eſcape. At the end of the term of ſervitude, every offender ſhall be furniſhed with decent cloathing, and money for preſent ſubſiſtence; and in caſe he ſhall produce a certificate of faithful ſervice for a year, he ſhall be entitled to a further ſum. Each cell ſhall be

* By a late Act this ſum is encreaſed to 300l. and the payment to 3s. 6d. per week.

furniſhed with an iron bedſtead, a matting, hempen ſheets and coverlid. Yards ſhall be provided for air; ſurgeons and apothecaries to viſit the ſick in hoſpitals provided for their reception; and powers are given to ſhorten the term of puniſhment, on good behaviour: and to inflict additional conſtraint on the refractory. And *it is further enacted*, that until ſuch general Penitentiary-houſes ſhall be erected, it ſhall be lawful for the court, where ſuch offenders ſhall be convicted, to order and adjudge them to be impriſoned and kept to hard labour for their ſeveral terms, in the houſes of correction, or other *proper places* within each reſpective county; which *Houſes of Correction, &c. ſhall, during ſuch time, be deemed Penitentiary-houſes to all intents and purpoſes, within the meaning of this act*, except with regard to the appointment of officers, and internal regulations directed by this act. And the *Juſtices of the Peace for every county, at their Quarter Seſſions, to be holden next after the feaſt of St.* THOMAS, *in the year* 1779, *are hereby required to give directions for ſuch temporary reception, ſafe cuſtody, employment, and due regulation of ſuch offenders; the expences of which ſhall be paid by the treaſurer of the county ſtock.*"

BY the 22d G. III. c. 64. "The Juſtices of the Peace, in every county, at their reſpective Quarter-Seſſions next after paſſing this Act, *ſhall and they are hereby required*, to nominate and appoint a Juſtice, or Juſtices, in each diſtrict, to inſpect the ſeveral Houſes of Correction within their reſpective juriſdictions; and on the report, they are further required to obtain plans and eſtimates of ſuch new buildings, *as ſhall make*

*make them anſwer the purpoſes of this Act; and in adjuſting ſuch plans, they are required to provide ſeparate apartments for perſons committed for felony, and convicted of theft, and other priſoners; ſeparate apartments for women, and proper rooms and accommodations for labour.*"

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III. HAVING before us the IMPLIED SENSE and POSITIVE INJUNCTIONS of the law, it cannot be difficult to conclude in what manner priſons ought to be conſtructed, to anſwer the purpoſes of their inſtitution.

*Firſt.* A priſon muſt be a place of SAFE CUSTODY, or it is abſurd to inſiſt on a Sheriff's reſponſibility. But this ſafety ſhould (as before obſerved) be attained by the manner of its conſtruction, the regulations of its police, and the attention of its officers, and not by means unwarranted by law.

NEXT to the ſecurity, the HEALTHINESS of priſons is aſſuredly the moſt important object of attention. Gaol-fever is found to ariſe from the corrupted air of crowded wards, and vapid cells; and from filthineſs of perſon and apartments. The latter is intended to be prevented by the act, 14 G. II. before mentioned: Succeſs in this point, however, will depend more on regulation, than conſtruction; but moſt on the diſpoſition of the gaoler, notwithſtanding his attention is ſtrongly *enforced* under the ſaid act; the noiſome effects of crowded wards, of vapid cells or dormitories, are entirely within the power of redreſs, by the manner of conſtruction.

DUE

DUE ſeparation, both by day and night, muſt be conſidered as the principle of all improvement: To a certain degree, it is neceſſary to conſtitute a legal priſon; and there is no poſſible degree of ſeparation, that will not bring with it attendant benefits: It favours every ſpecies of reform; it promotes the purpoſes of the law, in allotting to each offence its diſtinct mode of confinement and degree of puniſhment: It prevents criminal intercourſe betwixt the ſexes, and that inſtruction which the young offender otherwiſe receives from the profligate: It of itſelf enſures protection from every ſpecies of contagion: It favours retreat to thoſe, whom a conſcious innocence inclines to privacy under their misfortunes: If the principle be extended to a well regulated ſolitude, it is the moſt ſovereign corrector of a hardened heart: and laſtly, it is the ſureſt *legal* means of bringing priſoners under authority. It is by cabal and participation of deſign, and by confidence in numbers, that deſperate acts are attempted. By ſeparation, in their worſt deſigns they are within the power of their keepers.

THE ſeparations which are indiſpenſible with a view to order and regulation, are, 1*ſt*, of the SEXES through all claſſes of offenders;—2*d*, of DEBTORS, from every other deſcription of priſoners;—3*d*, of the ACCUSED from the CONVICTED;—and 4*th*, of NOTORIOUS and PROFLIGATE, from the leſs DARING and ATROCIOUS.

THIS laſt diſtinction is properly that of gaol from bridewell priſoners. Bridewells alſo ſhould be places of ſecurity without the application of irons; they ſhould be

be houſes of induſtry and regimen free from filth or famine; they ſhould contain courts for air, and rooms adapted to labour for each ſex; and, above all, they ſhould be ſo ſituated, that the attending commitments may not be inconvenient to the officers of juſtice, or expenſive to the proſecutors or the public.

In the conſtruction of every priſon, attention ſhould be paid to the means of induſtry; to the criminal deſcriptions of priſoners, work ſhould be enjoined, to all others permitted; the preventing debtors from working in a priſon, leſt their tools ſhould furniſh means of eſcape, partakes of that narrow policy, which pervades the whole ſyſtem; habits of induſtry once loſt are not eaſily regained; if employment would beguile the hours, and its profits eaſe the ſufferings of captivity, I ſee no other motive for preventing it, but that which actuated the Count de LAUZUN's keeper, when he killed his ſpider, viz. "The wantonneſs of tyranny."*

* The Count de LAUZUN paſſed the long interval from 1672 to 1681 in the priſon at *Pignerol*.—At a diſtance from the voice of friend or relation, without any ſounds, except his own ſighs; without any light, except the glimmering through the ruins of the roof; without books, means of occupation, or poſſibility of exerciſe; a prey to hope deferred, corroding languor, and uninterrupted horror; he, at laſt, as the only method of avoiding inſanity, had recourſe to the means of taming a ſpider. The ſpider received his flies every morning with gratitude, carried on his web through the day, and engaged the whole attention of his benefactor, until the jailer, converſant in ſcenes of wretchedneſs, and conſequently ſteeled againſt every tender ſenſation, accidentally diſcovered this amuſement of his priſoner, and in the wantonneſs of tyranny, deſtroyed the ſubject of it. Monſ. de LAUZUN afterwards declared, that he conceived his agony, on this occaſion, to have been more painful than that of a fond mother on the loſs of a darling ſon. —PENAL LAW.

As

As miniſters of public juſtice and guardians of the public welfare, our views of reform muſt not ſtop here. It is only by regulation and police, that the beſt conſtructed priſons will be healthful, and produce the ends propoſed: As no man is a voluntary inhabitant of a priſon; and as fees are no part of the ſentence of the law; fees of all kinds, either from debtors or the accuſed of crimes, are abſurd in their inſtitution, and oppreſſive in their practice. By the abovementioned Act 14 G. III. acquitted priſoners are exonerated from gaoler's fees, yet there ſtill remains much to be reformed, and much (even under that act) to be enforced.

BREAD, water, and air, as the means of healthful exiſtence, ſhould be denied to no priſoner; and every regulation, which refuſes a due allowance for the purpoſes of life, is unjuſtifiable: How far priſoners ſhould be allowed to procure indulgencies that exceed theſe neceſſaries, when within reach of their own reſources, either by means of their labour, or by the attention of their friends, requires ſome conſideration, and, certainly, a diſtinct arrangement.

TO all CONVICTED priſoners where abſtinence is not the leaſt uſeful part of their puniſhment, no indulgencies ſhould be permitted, but ſuch as (under the police of the priſon) ſhould be conſidered as rewards for good behaviour.

DEBTORS, and the UNCONVICTED, ſhould, doubtleſs, be allowed to employ the gratuity of friends, or the wages of their own induſtry, to alleviate the privations

vations of their ſituation; but this, nevertheleſs, under ſuch reſtrictions, as the good government of a priſon renders indiſpenſable.

TOTAL abſtinence from ſtrong liquors would probably be a moſt mortifying privation to many priſoners, but in its effects would be generally beneficial; more particularly to thoſe, whoſe exceſſes have not been leſs injurious to their health, than to their morals. Convinced of the general utility of ſuch total abſtinence, I ſhould not ſcruple to ſubmit to its laws the moſt innocent inhabitant of a priſon.* Rules of regulation ſhould be ſimple and poſitive, or they will be evaded. Where an exceſs is to be dreaded, a total injunction muſt be laid: In this inſtance, particularly, nothing ſhould be left to the diſcretion of the keeper.

IT will ſurely be granted, that drunkenneſs, riot, ſwearing and profaneneſs, ſhould not be permitted within the walls of a priſon; and, that the admitting a priſoner to hourly communication with his aſſociates in villainy, is not a means either to enſure his ſafe cuſtody, or to encourage his repentance: A LICENCED ALEHOUSE, therefore, within ſuch walls, is not ſo admiſſible a part of a priſon eſtabliſhment, as to be rendered a means of its finance, as it now is in this and many other counties.

* The *advocates* for a continued uſe of ſtrong liquors to perſons in chronical caſes, ariſing from former habits of exceſs (for ſuch, ſince the firſt publication of this addreſs have appeared)—ſhould obſerve,—that all perſons labouring under diſeaſe or ſickneſs of any kind are removed to a Hoſpital Ward, where the diatery is entirely under the direction of the medical attendants.

A GAOLER'S

A GAOLER'S SALARY ſhould be a liberal independency; he ſhould draw no emolument from means connected with the ſufferings of his priſoners, nor from ſuch as diſturb the regularity of his houſehold. He ſhould farm no part of the county allowance, nor derive any pecuniary advantage from the priſoner, who exiſts upon it by neceſſity or choice; extra-comforts he ſhould be allowed to diſpenſe; the prices of theſe ſhould be fixed by the Juſtices, and frequently renewed, as circumſtances vary, and as the law may direct.

ATTENTION to religious duties cannot be an indifferent part of priſon regulation. The terrors of a future ſtate are eſſential to the reformation of men, who have accuſtomed themſelves to brave the powers of this world: The law has expreſsly declared its attention to this object, by directing the appointment of a Chaplain: But the moſt arduous endeavours of the moſt zealous chriſtian, will be vain, if his views are not ſeconded both by conſtruction of the priſon and the regulation of its police.

ATTENTION to religious duties ſhould be encouraged by ſmall rewards, within the power of the Chaplain.

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IV. IF I have ſucceeded in forming in your minds a juſt idea of a priſon conſtructed and regulated as it ought to be, what ſhall we ſay to the reverſe of this picture; *namely*, the deſcription of priſons as now generally eſtabliſhed in this kingdom? A knowledge of their

their actual ſtate is within the reach of every man, by peruſing Mr. HOWARD's publication. What he has obſerved regarding the priſons of this county, being probably a more exact ſtatement than can otherwiſe be given, will be beſt tranſcribed from his publication, as grounds for our concluſion.

"*County Gaol Gloceſter Caſtle.*

*Gaoler*, Salary, none.

Fees, debtors - - - £.1 0 10
Felons at Aſſize - - 0 17 8
at Quarter Seſſions 0 13 4

Licence, beer.

*Priſoners*, Allowance, debtors and fines none.
Felons, each a ſix-penny loaf in two days.

Garniſh, £.0 1 6

*Surgeon*, none; but on applying to a Juſtice.

"THE Caſtle is alſo one of the County Bridewells: Yet only one court for all priſoners; and one ſmall day-room, 12 feet by 11, for men and women felons. The free ward for debtors is 19 feet by 11, which, having no window, part of the plaſter-wall is broken down for light and air. The night-room (the main) for men felons, though up many ſtone ſteps, is cloſe and dark; and the floor is ſo ruinous, that it cannot be waſhed. Adjoining to the main, there are other night-rooms for fines, &c. Theſe have alſo their ſeparate day-room. The whole priſon is much out of repair. The upper rooms were the bridewell, but now they are not uſed. Many priſoners died here in

1773,

1773, and I generally ſaw ſome ſick in this gaol; eight died about *Chriſtmas* 1778 of the ſmall-pox. No infirmary, neither clauſes againſt ſpirituous liquors, nor the Act for preſerving the health of priſoners, are hung up.

"THERE is no proper ſeparation of the women, or of the bridewell priſoners. The licentious intercourſe of the ſexes is ſhocking to decency and humanity. Five or ſix children have lately been born in this Gaol. There is a chapel, but all the endeavours of the Chaplain to promote reformation among the priſoners muſt neceſſarily be defeated, by the inattention of the Magiſtrates, and their neglect of framing and enforcing good regulations.

"OF the felons, in *September* and *December* 1776, thirteen were tranſports: moſt of them convicted at *Lent* Aſſize 1775. About twenty were fines; who, not having the county allowance, nor any employment, were in *September* very pitiable objects indeed; half naked, and almoſt famiſhed. But in *December* their appearance was much altered. Mr. RAIKES and other gentlemen took pity on them, and generouſly contributed toward the feeding and cloathing them. Eleven of the twenty-four in 1779, were fines without any employment or allowance."

*Other County Bridewells.*

"LAWFORD'S GATE, *Briſtol*, built 1716, has four rooms, 18 feet by 16: In two of them are beds for thoſe who pay. There is a ſmall dark room in which

felons

felons ſleep. No chimnies. Court 22 feet by 18; with a pump. It is not ſecure; and priſoners are always confined in their rooms. It may be enlarged from the keeper's garden; and ſhould be made ſecure, that priſoners may uſe it, and have acceſs to the pump. The keeper readily agreed with me in that opinion. He is a ſheriff's officer: Salary, 10l. Fees, 6s. 8d. No table. Straw, 10s. a quarter: Allowance, if a priſoner be very poor, 2d. a day: No employment. Clauſes againſt ſpirituous liquors not hung up. By a regiſter kept in the priſon, it appears that in eight years and a half to *September* 1776, there were committed to it 572 priſoners.

" BERKELEY. Quite out of repair. Only one room for men and women, 18 feet by 15: No chimney: Court not ſecure: No ſtraw. The ſenſible old Keeper lamented the bad effects of cloſe confinement in idleneſs, upon the health of even young ſtrong priſoners. Many ſuch, he ſaid, he had known quite incapable of working for ſome weeks after their diſcharge. He told me, that ſome years ago his priſoners uſed to grind malt for a penny a buſhel; and the juſtices would not licence any victualler, whoſe malt was not ground here; but that of late years they had done no work at all. No allowance. Keeper, FRANCIS NORMAN; his ſalary 20l. but he pays out of it 6l. to the poor of the pariſh for ground rent: Fees 4s. 4d. no table.

" CIRENCESTER. The ground floor is the Keep-

er's ſhop for garden ſeeds, and his kitchen. On the firſt ſtory is a room about 16 by 11, for men; one corner of it is parted off for a bed-room, called the *Cub*, eight feet by five. On the ſecond ſtory is a larger room for women. The whole out of repair; and the court not ſecure enough to let the priſoners have the uſe of it. Felons are occaſionally allowed two-pence a day; nothing to any others. No employment. Keeper's ſalary, 13l.; he pays rent, 12l.

"WINCHCOMB. In this Bridewell, priſoners were formerly kept altogether in the cellar. Now they are in the garrets; men in one, women in another; each about 14 feet ſquare; roof and floors meet; eight feet high to the ridge in the middle. A cloſe-glazed window in each; no chimney. Priſoners always confined to their rooms. Court not ſecure. The county have never expended any thing upon the houſe for many years; and the whole is quite out of repair. It was the freehold of the keeper, who was upwards of fourſcore: His ſalary per receipts 12l. 10s. in fact, 12l. Fees, 13s. 4d.; No table. Licence for Beer; Clauſe againſt ſpirituous liquors not hung up. Allowance, if charged with felony, three-penny-worth of bread a day. No ſtraw. The preſent keeper ſaid, that, 'he ſhould be obliged to put irons on all the priſoners to ſecure them."

FROM the above ſtatement we muſt obſerve, that in the County Gaol the keeper has no permanent emolument. His profits ariſe from ſelling ale within the

the priſon; from fees for felons, now allowed by the County,* and from debtors paid by themſelves, with what other advantages he can derive from ſuch of his priſoners as may be poſſeſſed of property.

SINCE the date of the above report, a conſiderable ſum has been expended on the caſtle: the whole of it has been roofed; the main has been paved with ſtone, and ſtages erected for the ſtraw on which the Felons ſleep; the room for Fines has been improved; and the keeper's apartments rendered more commodious; Mr. HOWARD's obſervations, therefore, on the floor of the main, and on the general want of repair of the priſon, are obviated; but as no new diviſions have been provided, and no ward increaſed in ſize, the the ſame deſtructive principle of confinement remains unreformed.

THE whole herd of Priſoners, thoſe committed for trial and thoſe convicted, the young and the old offender, are indiſcriminately driven at night into one dark pen. A want of ſecurity, which is ſaid to exiſt in this general receptacle, has produced a contrivance, which is worthy obſervation, as it is little inferior in ingenuity to that of the *Ely* Gaoler beforementioned. A ponderous chain croſſes this *place of*

* THE claims of the Clerk of the Aſſize, and of the Clerk of the Peace on perſons diſcharged on trial, ſtill continue to be made. It ſeems doubtful how far ſuch claims are conſiſtent with the words of the act, "Acquitted priſoners ſhall be immediately ſet at large in open "court."

reſt, and, paſſing the middle link of each man's fetter, it is made faſt at each end, and the whole number are threaded together: Thus, with an additional burthen on their daily miſery, are they left to paſs the hours deſtined by nature to eaſe and refreſhment:* Enlarged from theſe horrors of the night, this entire indiſcriminate number of priſoners are crouded into one room, 12 feet by 11; ſo that there being now 65 priſoners, each man has a ſpace of leſs than two ſquare feet to ſtand in. In winter, the inclemency of the weather obliges them to paſs the greater part of their day in this ſituation; and this circumſtance alone, according to the opinion of the medical gentlemen conſulted by the late Grand Jury, was a ſufficient cauſe of thoſe fatal diſtempers which raged through the laſt winter; and will continue to be a cauſe of ſimilar diſtempers in ſeaſons when the priſoners cannot paſs their time in the open air.

THE wards reſpectively allotted to felons and debtors, can hardly be ſaid to provide for the legal ſeparation, as they are apart only during confinement to their rooms; when they take the air (which, under the preſent circumſtances of the priſon, is, in dry weather, nearly the whole day) there is no longer any ſeparation; the debtor and

* THERE are at preſent forty Priſoners ſo threaded together every Night.†

† *Since writing the above, fourteen of theſe Priſoners have been diſcharged by Proclamation as innocent Men.*

felon,

felon, men and women, fine and convict, form one profligate ſociety. Here the moſt ignorant may be initiated, and the novice aſcend to the higher myſteries of infamy and vice. Leſt the inhabitants of the priſon ſhould want profeſſors in their arts, or, leſt abſtinence from ſtrong liquor ſhould deject the ſpirits into ſubmiſſion and repentance, there is a licenced receptacle for thoſe aſſociates, whoſe greater intelligence has kept them out of the hands of juſtice. Here they may plan evaſions of the law, and lay new ſchemes for new offences.

Debtors are not by law allowed that ſupport which is afforded to the claſſes of criminal priſoners. Was it not for the interference of humane individuals, a debtor's life, who is deſtitute of friends, within the cuſtody of our priſon, would laſt no longer than human nature could exiſt without food. For many years paſt, only one debtor has obtained his groats of his creditor.

Those fines alſo, who are committed from inability to pay ſmall penalties, and are conſequently unable to purchaſe ſuſtenance, fall under this abominable ſentence; their offence is *leſs* than felony, yet their privations are *more* ſevere than thoſe of felons.

The clauſes againſt ſpirituous liquors, and the Act for preſerving the health of priſoners, (in defiance of ſtatute) are not hung up in the priſon.

No proceedings have ever been had on the Sta-

tute of 32 G. II. reſpecting the table of fees. No order for regulations appears, and that for fees is dated thirty years before the act in queſtion.

CONTRARY to the Statute 14 G. III. there are no baths in the priſon; no hoſpitals properly adapted; and no regular medical eſtabliſhment. By conſequence of theſe neglects, diſeaſe, once introduced, is perpetuated till we grow ſo accuſtomed to its fatal effects, that the moſt cruel circumſtances make no impreſſion on our feelings.*

PRISONERS are ſtill allowed to ſtrip each other under the plea of garniſh.

THE ſtate of our Bridewells is certainly not better than when Mr. HOWARD made his report regarding them. In three, at leaſt, of the five there is a total abſence, of every neceſſary to ſecurity, to induſtry,

* AT the Spring Aſſizes, bills were found againſt eleven priſoners, who, ſuffering at that time under Gaol Fever, were deprived of the benefit of the ſacred privilege of their *Habeas Corpus*. Of thoſe eleven perſons thus extrajudicially ſentenced to a further ſix months captivity (under circumſtances above deſcribed) three died without trial, four on trial were found innocent, and four only were convicted. There are now ſeveral priſoners who are on the point of death without trial. Ten have died of the ſmall-pox within the laſt five months, beſides the numbers unknown to whom it has been doubtleſs communicated by priſoners returning to their families. So fatal, indeed, is this diſeaſe underſtood to be, (when under the preſent priſon attention,) that, it is a known fact, proſecutors have neglected the proceedings for a trial, conſidering their buſineſs as completed in a ſummary way, on hearing that their culprit was ſick in priſon.

or

or to exiſtence. How uſeleſs they are become, the acting Magiſtrates beſt know.

I CANNOT conclude this part of my ſubject without calling the attention of Magiſtrates to the ſerious ill conſequences of their neglecting to rebuild the Houſes of Correction, as directed by the act 22 G. III.

THAT act evidently owed its exiſtence to a neceſſity ariſing from the powers of the act 19 G. III. wherein "convicts liable to tranſportation, or reprieved from death, are directed to be ſentenced to impriſonment in Penitentiary Houſes; and until national Penitentiary Houſes ſhould be erected, their puniſhment was to take place in the Houſes of Correction within each reſpective County, which are therein required to be made proper for SOLITUDE and LABOUR."

THE Judges proceeded to ſentence convicts as directed, whilſt the Juſtices, on their part, have neglected to provide the "proper places" to receive them as alſo directed; and of courſe the ordinary wards of County Gaols became ſo dangerouſly crouded, that it was found neceſſary immediately to paſs the act of 22 G. III. directing Bridewells to be rebuilt on a principle anſwerable to the purpoſes of the former act.

IN this County the whole of theſe *required* preparations ſtill remain neglected; yet the Judges muſt

continue to ſentence to impriſonment; by the additional ſupply of another Aſſize we ſhall have ſuch a ſtanding body of deſperate felons in a ſtate of idleneſs and confederation, that under the preſent diſadvantages of conſtruction, we ſhall need an army of keepers to enſure their ſafe cuſtody; or ſhould we, by dint of dungeons and irons, ſucceed in preventing eſcape, the utmoſt care will be ineffectual to guard againſt the Gaol Diſtemper.

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V. If I have ſucceeded in proving to your conviction, as I think I muſt have done, that our Priſons are not conſtructed and regulated as they ought to be, I may be excuſed in claiming your attention to a few words in recommendation of immediately proceeding to adopt a plan of reform.

When we ſee the rapid increaſe of crimes in the very teeth of the ſevereſt diſpenſations of juſtice; when, under the pureſt ſyſtem of criminal juriſdiction that ever did honour to a legiſlature, we obſerve ſuch a ſtate of public morals as would diſgrace a horde of ſavages, to whom the benefits of legal diſpenſation are unknown; we cannot but conclude, that there is a defect in the adminiſtration of that ſyſtem: what and wherein is that defect, it is really become the intereſt of every man to conſider.

It is an illiberal and unfounded, though common, reflection

reflection on the age, to impute the increaſe of crimes in the inferior to the effect of the example of the ſuperior orders of ſociety: If there be a character peculiar to the modern vices of the liberal claſs, it is, that they are refined beyond the reach of vulgar imitation; at the ſame time it muſt be admitted, that the extenſive indulgencies which are grown into our moral ſyſtem, are not the leſs fatal to the ſpirit of order and good government. Every circumſtance that tends to enlarge the ſcale of moral liberty in the minds of thoſe who govern, will weaken their attention to preventive juſtice; accuſtomed to compound with the more rigid duties in ourſelves and in thoſe above us, we are naturally led to diſpenſe with rigid morals in thoſe below; yet if by correction of the ſmaller crimes the greater are prevented, when we diſpenſe with the ſmaller, we become reſponſible for the greater which enſue.

It is a miſtaken indulgence that inclines the Magiſtrate to conſider great criminals as the only objects of his attention; if the purpoſe of juſtice be revenge, then indeed they certainly are ſo; but, if it be the reformation of tranſgreſſors, we muſt begin with early tranſgreſſion. Few men have been hanged for a felony, who might not have been ſaved to the community by correction of ſome former petty miſdemeanor; there exiſts in every Engliſhman an innate reſpect for law, which he never violates by a firſt offence without a compunction which leaves his mind open to correction; encouraged by impunity, he proceeds

ceeds to repetitions, which in ſucceſſion prepare his mind for the commiſſion of the more enormous crimes.*

To all preventive purpoſes of police, Bridewells muſt be the eſſential means. I do not think it an enthuſiaſtic ſpeculation to advance, that, abandoned as we are, a thorough reformation of manners is within reach of their effect, if perfectly regulated, and duly applied to their purpoſe by a diſcreet and active magiſtracy.

But whilſt there exiſt no means of inflicting the puniſhment of impriſonment with a greater or leſſer degree of ſeverity proportioned to the offence, humanity will not heſitate to decide favourably betwixt impunity and exceſs; and every offence that is not deſerving of a dungeon, will paſs unpuniſhed. I addreſs myſelf to many juſtices, and to them I appeal for the truth of this conſequence.

It is not ſufficient that the manners of a priſon ſhould be barely not corrupting; the public ſhould

* Quelques crimes toûjours precedent les grands crimes.
Quiconque a pû franchir les bornes legitimes,
Peut violer enfin les droits les plus ſacrés.
Ainſi que la vertu, le crime a ſes degres.
Et jamais on n'a vu la timide innocence
Paſſer ſubitement à l'extreme licence.
Un jour ſeul ne fait point d'un mortel vertueux
Un perfide aſſaſſin, un lache inceſtueux.

*Racine. Phedre, Act 4, Scene 2.*

have

have confidence in its full power of reformation. Whilſt a priſon contaminates a man in the opinion of ſociety, and deſtroys all future confidence in his honeſty, a mere commitment is, in effect, a ſentence to the puniſhment of thoſe crimes, which his future neceſſities may induce him to perpetrate.

It is the inevitable imperfection of a government by "PRESCRIBED law,"* that under the beſt poſſible regulations there muſt remain a defect in the appropriation of puniſhments to crimes; there are ſo many poſſible circumſtances that may attend the commiſſion of every offence, which may materially affect its degree of criminality, but which it is impoſſible for a legiſlature to foreſee and provide for, that much muſt be left to the executive magiſtrate; what ſhall we ſay for that neglect which has ſo aggravated this natural imperfection of our government, ſo narrowed the poſſibility of diſcrimination, that for all offences, nay, even for ſuſpicion of offence, or mere misfortune, it may almoſt be ſaid, there remains but one inevitable doom?

I SHOULD treſpaſs on your indulgence beyond all bounds of prudent daring, if I dictated the means of reform to men, who, with an equal diſpoſition to feel the miſeries of mankind, poſſeſs ſuperior abilities to relieve them; I muſt be underſtood as merely ſubmitting to your judgment, a courſe of reaſoning on a

* BLACKSTONE.

ſubject

ſubject that your more active ſituations in the ſervice of the community have probably denied you time to conſider.

REFORMATION of old abuſes is ſlow, becauſe we have a dull perception of thoſe defects to which our ſenſes are accuſtomed; that tenderneſs of heart, which inclines to kindneſs and compaſſion in other inſtances, acts againſt the melancholy inhabitant of a dungeon.* It makes us dread the ſcene of woe, which (had we the reſolution to witneſs) we ſhould not want the compaſſion to relieve.

FROM the natural indolence of the human mind, we content ourſelves with firſt impreſſions, and ſimplify our ideas on ſubjects the moſt complex in their nature. A gaol, being the place of cuſtody for the diſturbers of our peace and property, rarely attracts our attention, as a ſcene for the exerciſe of our pity and benevolence; gratified with the thought, that it reſtrains the daring murderer, we overlook the gloomy liſt who may be victims of misfortune, or of miſtaken accuſation.†

THE

* MR. HOWARD ſays, he found few inſtances of inſpection of the Gaols by the magiſtrates, on account of the danger attending it. And that he found one inſtance of an apothecary, who ſtipulated in his bargain, not to be obliged to viſit the cells.

† THIS effect of falſe perceptions was ſtrongly exemplified to me many years after the publication of this addreſs.

Converſing with a man of great property and influence in a county which had expended conſiderable ſums in ill deſigned alterations of a bad Gaol,

THE humane BECCARIA thus remarks on the ſubmiſſion of mankind to cruel diſpenſations: "We "may think it ſingular (ſays he) that the generality "of men ſhould incline to a ſanguinary ſpirit of le- "giſlation; but it ariſes from a hope which exiſts in "every human mind, that all unfortunate circum- "ſtances will be the lot of others, whilſt the for- "tunate only are to be our portion. Men, governed "by the moſt obvious concluſions, love cruel laws, "becauſe the fear of being injured is greater than the "intention of injuring; though, as being themſelves "ſubject to them, it is for their intereſt they ſhould "be moderate."

BUT let no one thus reaſon:—"*I ſcorn the com-* "*miſſion of a crime; a priſon cannot be my lot, it is* "*provided for the miſcreant, and for the miſcreant alone,* "*who, having oppoſed the ordinance, has abandoned* "*the protection of the laws; leave him to his doom of* "*miſery; let him rot in the vapor of a dungeon, and* "*drag his unwieldy chain at the mercy of his keeper.*"

Gaol, I remonſtrated with him againſt the continued uſe of heavy irons, which, on viſiting the Gaol of his county, I had found on criminal priſoners of all deſcriptions; and I obſerved to him, "that if their priſon was ſtill ſo inſecure in its conſtruction as to render fetters neceſſary to ſafe cuſtody, the great purpoſe of their work, in point of reform, was incomplete." With a ſneer at my purſuit he gave me to underſtand, that in his county they were *too wiſe* and *too careful* of the public money, to expend it in providing for the indulgence of a gang of thieves; "*for*," ſaid he, "*we do not want our priſoners to dance jigs*;" and, in the pride of inſenſibility, triumphed in this joceſe victory. Yet this Gentleman had received a liberal education, and has been diſtinguiſhed by the confidence of his county, and the honours of his Sovereign.

I deny

I deny any ſuch abſolute exemption. From the capricious uncertainty of human events, it is much within the bounds of poſſibility, that the moſt innocent man may become a temporary victim to the ſuſpicious eye of juſtice; the moſt affluent reduced within the power of an exaſperated creditor. "No "rank in life, (ſays Sir M. FOSTER,) no uprightneſs "of heart, no prudence and circumſpection of con- "duct, ſhould tempt a man to conclude that he may "not at ſome time or other be deeply intereſted in "theſe reſearches."

NOT to urge the numbers of thoſe, whom the verdict of the jury, on which you now ſit, diſmiſs with credit from unmerited puniſhment in your manſions of horror. If conſtitutional freedom be government by law, "equally commanding what is "right, as prohibiting what is wrong;"* he, who has not forfeited the whole, has his legal claim to the portion of protection which remains. Exemption from greater puniſhment than the law preſcribes, is as much the right of the criminal under ſentence, as exemption from all puniſhment is the right of the purely innocent.

IF, then, it muſt be admitted that, under the preſent abuſes, the purpoſes of the law are fruſtrated, and the rights of humanity neglected; the great extent of the undertaking ſhould not deter us from the execution. When objects are of great import to ſociety, the ſacrifice to obtain them muſt be over-

* BLACKSTONE's Definition of Municipal Law.

looked.

looked. Surely ſuch is that object which enſures to us the ſecure enjoyment of life and fortune, and gives to our laws that equity in practice, which they boaſt in theory. But at the ſame time it ſhould ever be impreſſed on our minds, that whatſoever ſacrifices the purpoſes of good order may claim from the purſe of the public, it is the duty of thoſe who execute to expend with frugality; and, controuled by frugality, the extent of the burthen is not alarming.

THE counties of Suſſex and Cornwall have ſet us laudable examples of humanity and ſound policy; our reſources are not inferior, why ſhould our philanthropy be leſs?

I CANNOT conclude without craving your favourable conſtruction of my earneſtneſs, in a cauſe which has impreſſed itſelf ſtrongly on my mind as a moral duty. The imperfections of every kind you will pardon, with that candour which I have hitherto experienced in this County. The requeſt which has cauſed me to preſume to addreſs you, was ſo lately conveyed to me, that I have not had time to render this ſtatement ſo correct, as the nature of the ſubject requires, or as my reſpect for the perſons to whom it is addreſſed, would have induced me to have done.

I have the honor to be,

Your faithful Servant,

GEORGE ONESIPHORUS PAUL.

*Gloucester, Auguſt* 7, 1783.

# APPENDIX.

THE ſubject of the above ADDRESS having been taken into conſideration by the gentlemen of the Grand Jury, the following reſolutions were agreed to as their unanimous ſenſe, to be ſubmitted as ſuch to a County Meeting, which they requeſted the High Sheriff to appoint on *Monday* the 6th of *October* following.

GLOCESTER, GRAND-JURY ROOM, *Aug.* 9.

THE unanimous reſolutions of the gentlemen of the Grand Jury, at the Summer Aſſizes, 1783:

I. THAT it appears that the Gaols and Bridewells of this County are inadequate to the purpoſes of correction, humanity, or induſtry; and that a reform is abſolutely neceſſary, upon the general principle of ſeparation.

II. THAT it is highly expedient that the Bridewells ſhould be entirely ſeparate from the County Gaol.

III. THAT

III. THAT it is recommended to the Magiſtrates, at the next Quarter Seſſions, to take into their conſideration the powers of the Act 22 Geo. III. chap. 44, relative to Bridewells; and alſo the moſt proper places for erecting them.

IV. THAT we requeſt the High-Sheriff to call a General Meeting of the nobility, gentry, and clergy of the County, to take theſe reſolutions into their conſideration; and to adopt the moſt effectual means of carrying the ſame into execution.

V. THAT theſe reſolutions, ſigned by the foreman, be printed in the Gloceſter papers.

G. C. BERKELEY, Foreman.

# SECOND ADDRESS,

DELIVERED

*At a* General Meeting *of the* Nobility, Gentry, *and* Clergy, *of the County of* GLOCESTER, *held on Monday the 6th of October*, 1783,

BY SIR G. O. PAUL.

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SINCE I had the honour to lay before the Grand Jury of the County a ſtate of the priſons within it, and the collective ſenſe of the laws reſpecting them; it has been intimated, by gentlemen whoſe opinions are authority to me, that I ſhould (at this meeting) bring forward ſuch ſpecific propoſitions as would reduce my ideas of improvement to a practical form.

IF I wanted motives to promote a work which I conſider of ſuch ſerious importance, the flattering attention paid to the obſervations I have already ſubmitted to the County, would be a claim to my beſt ſervices in future proceedings. I confeſs it is not without great diffidence that I venture to reduce into ſpe-

cific propoſals, thoſe identical ſpeculations which I have confidently addreſſed to you. Errors in opinion affect only the reputation of the man who advances them; whilſt in carrying opinion into execution, every defect may operate on the general intereſts of ſociety.

As I underſtand that the ſyſtem recommended in my late addreſs is, by ſome perſons, conſidered as an impracticable theory, we cannot too ſoon examine if there be grounds for ſuch an opinion; for if it ſhould be juſtified by the nature of the attempt, it ought to be deciſive on the buſineſs of this day.

I SHOULD indeed be inſulting your underſtandings with a chimera, did I preſume to offer to your attention a plan of reform depending ſolely for its ſucceſs on the principle of conſtruction of a building; moral means muſt be exerted to produce a moral effect; and I acknowledge, that, in ſtating public reformation as a conſequence of my deſign, I preſume on a ſpirited co-operation of all the powers of magiſtracy.

I WILL not aſſume that there does exiſt in the magiſtrates of this county ſuch an indolence as will prevent their conſtant attention to the future regulations of the priſons, when built; but I muſt take this opportunity to ſuggeſt, that if gentlemen are conſcious that ſuch may be the caſe, it will be an injuſtice to me, and to the fund to be appropriated to the undertaking, not to avow ſuch diſpoſition at this early moment. From the mild ſpirit of our government, the efficacy

of

of the laws, which regard internal regulation, depends on the active concurrence of the liberal class of citizens to whom the execution of them is delegated. Wisely and reasonably is it determined, that upon those who are the most interested in the preservation of public decorum, should devolve the duty of executing the laws which are designed to secure it. When the end proposed is universal benefit, the individual interest is intimately blended with that of the public; and when we are about to restore a lost effect to laws in which we glory, I cannot allow that proposal to be visionary, which needs no other support than the performance of duties constituted by the very freedom of our government. By a statute already in force, "Magistrates resident near the different Houses of Correction, are required to inspect them, at the least, twice in the year, and to report their state to the Quarter Sessions." The neglect of this law is sufficiently obvious in its consequence; and, it is most certain, that should the practice be similar when the present undertaking shall be accomplished, all our expenditure will be ineffectual.

As I have reason to believe that a term which I adopted, in reasoning on this subject, has been understood in a much more comprehensive sense than I intended, it is but justice to my argument to clear my expression from misconception, and to fix the precise meaning in which I applied it.

If, from strongly urging the doctrine of humanity to prisoners, it has been inferred that I am an advo-

cate for a miſtaken lenity, gentlemen really give me credit for a ſpecies of feeling which I do not poſſeſs; I am ſenſible that lenity, in the adminiſtration of promulgated laws, proves but too frequently the perverſion of juſtice; even mercy, when too generally extended, may counteract its own intentions. But humanity (as far as it reſpects the mode of human actions) is the univerſal claim of all mankind: It is the right of every being, in every poſſible ſituation, in which either his crimes or his misfortunes may have placed him. Without obſtructing a ſingle purpoſe of the law, it adds a reſpectful ſolemnity to its forms, and preſents juſtice to the people, not as the effect of haſty and capricious reſentment, but as the reſult of cool and rational deliberation.

EVERY violater of the law is, *in his degree*, obnoxious to civil ſociety; and the moſt trivial offender ſhould ſuffer a puniſhment proportioned to the nature of his crime; but it is the object of conſtitutional government to guard againſt that exceſs of indiſcriminate puniſhment for offences, which would follow were every man the judge and avenger of his own cauſe. It is the eſſence of legal inſtitution, that however ſtrong be the preſumption, however poſitive the demonſtration of guilt to the mind of the proſecutor, no puniſhment is juſt till the crime is eſtabliſhed by the forms preſcribed. On this ground, therefore, and no other, have I contended, and ever ſhall contend, for the utmoſt degree of lenity to priſoners before trial, which may be conſiſtent with their ſafe cuſtody.

HAVING

HAVING thus far treſpaſſed on your time to explain what I have before advanced, I preſume it is needleſs to enter further into general argument on the ſubject. The bare recital of the facts which have appeared in the progreſs of my enquiry, muſt be ſufficient to eſtabliſh my concluſion, and cannot but engage your attention to the moſt ſpeedy and effectual interference.

ALTHOUGH I have no reaſon to believe that the gaoler has neglected the means within his power to reſtore the health of his priſoners, a fever ſtill continues to rage with fatal effects. During the few weeks which have elapſed ſince the laſt Aſſizes, five priſoners have died of the gaol diſtemper; of theſe, one *only* was a convicted felon; three were debtors, and one a priſoner on an exchequer proceſs, for a neglect of diſcharging his recognizance.* Beſides theſe, a woman, who from regard to her ſick huſband

* The caſe of this unfortunate man is too ſevere to paſs unnoticed in our enquiries.

Joſeph Beard, (a cripple) and the wife of John Witts, of the pariſh of Stroud, having been preſent at a trifling affray, were, with many others, indicted for a riot. On their appearance for trial the matter was accommodated; but they (ignorant of the conſequences) left the Court without diſcharging their recognizance. In due courſe of proceedings, their names were reported as eſcheated to the Exchequer, a writ in conſequence iſſued, and Beard, and Witts, the huſband (as anſwerable for the wife) were committed to priſon. Beard immediately caught the ſmall-pox, and on his recovery was ſeized with Gaol Fever, and, after lingering ſeveral weeks, died;—Witts, at the point of death with the ſame diſorder, was carried home to his family, and now lies delirious, without hope of recovery.

(a debtor) came into the gaol to nurſe him; and a a ſon, who from a ſimilar motive attended his father (alſo a debtor) caught the diſeaſe, and both have fallen ſacrifices to their duty and affection.

CONVINCED that theſe dire effects could not be confined within the walls of the priſon, I made enquiry into the more remote conſequences, and have diſcovered that within a ſpace of four miles round my own houſe, three debtors, one poacher, and a fine, have died within the preceding ten days, of fevers brought from the priſon: And that of eight other perſons infected by them, one is ſince dead, and ſeven lie dangerouſly ill.* From ſo many fatal inſtances, in ſo ſmall a diſtrict, let the melancholy concluſion be drawn of the general effect within the county.

THERE are confined in the Gaol at this time thirty-eight capital and other atrocious convicts: In the ſame claſs (and of courſe under their tuition) are fifteen priſoners for poaching, baſtardy, and fines.

* Thomas Evans, of the pariſh of Hampton, (committed for poaching) returned home with a Goal Fever, and is ſince dead. Elizabeth Long, in whoſe houſe he lived, caught the fever and died:—Long, the huſband, and two children, are now ill of the ſame diſeaſe. In the ſame pariſh, Samuel Daniels, returned from impriſonment for debt, has the Gaol Fever upon him, and has communicated it to his three children, who all lie ill at this time.

Near the pariſh of Stroud, William Farmeloe and William Chapman, Debtors, returned from priſon, are ſince dead of the Gaol Fever; and one Smith, of the neighbouring pariſh, brought home the ſmall-pox, is dead, and has infected his whole family. The further conſequences remain to be known.

AFTER

After the facts I have ſtated, I truſt I may conclude that no doubt remains, in the mind of any of my hearers, of the neceſſity of reform as an inconteſtible conſequence. With regard to the ſcale on which ſuch reform ſhould be undertaken, as I ſpeak on the fulleſt conviction, I ſhall, without heſitation, ſay—*on the moſt extenſive*; on a plan which may effect a total change of the ſyſtem which has hitherto been ſuffered to exiſt. New priſons, new regulations, and new attention to their operation. Nothing leſs can eſtabliſh a police, prevent peſtilence, and produce an amendment of morals.

On the principle advanced in my former addreſs, the advantages of a priſon will multiply in proportion as the ſeparation of priſoners ſhall be provided for. Yet on this point, as on moſt others, our theory may lead us beyond practicability. Too many ſeparations may occaſion confuſion to the keeper, and ſurpaſs the powers of an architect properly to arrange. Part of this difficulty will indeed be obviated by the neceſſity we lie under of rebuilding ſeveral priſons; the principal ſeparations may be effected by allotting to each priſon, a diſtinct purpoſe.

The firſt and moſt material diviſion that ſhould engage our attention is, of *ſuch priſoners as muſt indiſpenſibly be confined in the County Gaol, from ſuch as, without the leaſt impediment to the courſe of juſtice, may be ſent to Houſes of Correction*; FELONS, and others committed for trial by jury, are of the firſt claſs, and ſhould be kept near the court of Aſſize; DEBTORS muſt

muſt remain in the cuſtody of the Sheriffs immediate officer; many of the leſſer offenders alſo, in compliance with the preſent letter of the law, muſt "be committed to the common gaol:" But with regard to criminals of various other deſcriptions who now crowd the County Gaol, it would be of advantage to the purpoſe of their confinement, as well as to the public convenience, that they ſhould be ſent to Houſes of Correction ſituate in the vicinity of the offence.

In claſſing offenders, I find it difficult to ſpeak of of thoſe called FINES, in that collective body in which they are now placed. Among the priſoners of that deſcription within the Gaol, there exiſt almoſt as many different degrees of guilt as are comprehended in our ſtatute book; houſe-breakers, horſe and ſheep-ſtealers, poachers, want of ſureties for baſtardy, exchequer proceſs, &c. conſtitute the heterogeneous band; here it will ſurely be our care, as it is our duty to diſcriminate. Of the moſt infamous, the greater number are tranſports, and ſhould immediately be removed, conformable to their ſentence; others (according to the 19th Geo. III.) ſhould be received into *national* Penitentiary-Houſes: But as the execution of this act, on its general principle, appears precarious, I fear we muſt proceed to adopt that part of it which requires "proper places to be provided within the reſpective counties."

In Bridewells only ſhould be confined ſuch of the abovementioned offenders as are liable to impriſonment

ment on ſummary proceedings before a magiſtrate. Thoſe alſo, who have incurred a ſentence of impriſonment or corporal puniſhment, as an alternative for not paying a fine, are proper objects for a Houſe of Correction: But as to ſuch as are, ſtrictly ſpeaking, FINES, men who have no otherwiſe incurred a ſentence of the law, than as ſubjecting themſelves to a penalty; it cannot be conſiſtent with any equitable diſpenſation, that they ſhould ſuffer more than bare confinement. Thoſe, particularly, who are committed for want of ſureties, on exchequer proceſs, and on forfeiture of bail, are mere debtors to the proſecutor; and ſhould be confined as ſuch until they pay the debt, or compound it; I ſhould make no ſcruple, therefore, of aſſociating ſuch men with the debtors, in whoſe wards, in all probability, there will be the beſt accommodation for their acquiring, by their induſtry, the means of regaining their liberty. We ſhould be particularly careful to ſhield from aggravated ſufferings, perſons only liable to fine; we ſhould conſider that their impriſonment is a conſequence of their poverty, and not neceſſarily of their offence; a conſequence from which the ſmiles of fortune have exempted perſons in our own ſphere. Of this deſcription are moſt of the ſmaller offences againſt the revenue laws: from a neceſſary preciſion in their execution, there is ſeldom much extenuation of puniſhment; circumſtances are frequently ſevere, and the effects ſo ruinous, as to irritate the feelings of the people againſt the laws themſelves; committed in conſequence of a failure of every reſource, they enter

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on a hopeleſs term; and being exempted from county proviſion, they become a prey to hunger and diſeaſe.

In order properly to provide for theſe arrangements, I propoſe to you to build five new Bridewells, in the lieu of thoſe now on the county eſtabliſhment, but which are of no benefit to the public: And that their ſituation ſhall be ſuch as may moſt equally accommodate all parts of the county, taking into conſideration the degree of population as well as the extent of the diſtrict. I further propoſe, that one of theſe Bridewells ſhould be built *in* or *near* the City of Gloceſter, and be called, by diſtinction, the *Penitentiary Houſe*; and that in it preparation be made for ſuch priſoners as at the Aſſizes or Seſſions may be ſentenced by law to *impriſonment and labour*, or who, in lieu of tranſportation, or on being pardoned from death, are *ordered* (by the 19th Geo. III.) "to *im-*" *priſonment and labour in proper places within the* "*County.*" To this priſon the more atrocious convicts "*ſhould be removed immediately on ſentence, and be from that time ſecluded from intercourſe with ſociety, as far as a juſt attention to their health will admit. Their food ſhould be wholeſome, and ſufficient to ſupport life under ſuch labour as ſhall be enjoined them: They ſhould be clothed in ſuch an uniform dreſs as may humiliate the wearer, and facilitate diſcovery in caſe of eſcape:*" And ſuch other regulations ſhould be adopted as are directed by the act, and are applicable to the preſent purpoſe*.

* Vide Act 19 Geo. III. c. 74.

I WOULD

I WOULD further recommend that all the Bridewells be built on a principle of ſeparation of claſſes, and alſo of individual ſeparation, and otherwiſe (as required by the act of the 22d Geo. III.) ſubmitting it to your judgment, whether, after the ample proviſion made for convicts and felons in the other priſons, it will be neceſſary (as therein directed) to provide for them in the common Bridewells further than for ſuch temporary confinement as may be convenient before commitment to the County Gaol. The ſeparations, which appear to me indiſpenſible, are, *firſt*, of MEN from WOMEN. *Secondly*, of idle APPRENTICES and others committed for NEGLECT of CONTRACT, from the profligate VAGRANT. And, *thirdly*, of thoſe ſpecially ſentenced to HARD LABOUR, from thoſe held under a GENERAL COMMITMENT.

WITH reſpect to the County Gaol, the eſſential ſeparations are, *firſt*, of MEN from WOMEN; *ſecond*, of DEBTORS, and thoſe FINES above propoſed to be claſſed with them, from all other priſoners; *third*, of FELONS from FINES; and, *fourth*, a diſtinct apartment for accomplices in felony admitted evidence for the Crown, or, as uſually termed, KING'S EVIDENCE. As in the conſtruction of this priſon the great object is ſafe cuſtody, attended with as little bodily ſuffering as is conſiſtent with that object, too much attention cannot be paid to bring the efforts of the priſoners within the power of the leaſt poſſible number of keepers without the application of fetters. Every felon muſt have his night cell to himſelf; and

the courts or airing-grounds ſhould be ſubdivided with ſuch a fence as may prevent the aſſociating in large bodies; yet not impede a free circulation of air. A chapel, baths, and hoſpital, muſt be provided (as directed by the 14th Geo. III.) In each diviſion alſo, there ſhould be provided apartments adated to labour; for although no claſs now propoſed to remain in the gaol diviſion, is compellable by law to labour, yet, as any augmentation to the ordinary County allowance may be made to depend on their applying themſelves to work, they will probably be diſpoſed to employ themſelves, if employment can be procured for them.

In all theſe priſons, a few of the cells ſhould be adapted to a degree of conſtraint, beyond the ordinary regulation, for the temporary puniſhment of the refractory, and to enforce and preſerve the eſtabliſhed police of the priſon.

Whether or not the Gloceſter Bridewell and priſon for convicts ſhall be a building totally diſtinct from the Gaol, muſt depend on the portion of ground to be obtained for the purpoſe. I have ſeparated them, on the preſumption that the ſpot near the preſent Gaol may not be ſufficient for both. Much may be ſaved in point of expence by their being contiguous, without any eſſential inconvenience; the chapel, hoſpital, and ſome other parts, may be made to anſwer in common to both.

I presume

I PRESUME it is by no means neceſſary to enter, at this time, into more minute particulars; I have ſaid ſufficient to explain the extent of my propoſal. The regulations neceſſary to give effect to the conſtruction, muſt be the ſubject of future diſcuſſion; and may be adopted, as approved, in the courſe of the proceeding.

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AFTER having offered ſo extenſive a plan to your conſideration, it will be expected I ſhould point out to you the means for carrying it into execution.

I TRUST I ſhall be forgiven for not having prepared ſuch an eſtimate as would be completely ſatisfactory. It cannot be the purpoſe of this meeting to enter into the details of calculation. The information I have obtained is ſufficient to convince me, that ſhould the moſt liberal idea be adopted, and the ſum neceſſary for the execution be aſſeſſed during the progreſs of the work, it would not be an unexperienced, and, of courſe, not an intolerable burthen.*

THE jealous ſuſpicions of pariſh officers on ſimilar enquiries, is an abſolute bar to preciſe and poſitive information. We muſt be content with general concluſions, drawn from partial evidence; and it would be an ungenerous return to thoſe individuals to whoſe

* Vide pariſh books of the manufacturing parts of the County, for militia levies, and maintenance of families during the late war.

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candour I am indebted for ſuch evidence, to expoſe it to public ſcrutiny on unequal terms with thoſe whoſe narrow policy has refuſed a ſimilar information.

I FREELY acknowledge my decided ſentiments on this ſubject; namely,—that provided every idea of magnificence ſhall be excluded from the intended plan; and every prudent meaſure adopted to manage the finance with ſtrict economy; I conſider the expence, which may be requiſite to put the laws in force, to ſecure a police, and to diſpenſe equal juſtice to the people, *as a claim on the public ſtock*, to whatever extent it may amount. The zeal which has already diſplayed itſelf, juſtifies me in preſuming this to be the general ſentiment. Should I not be warranted in my preſumption, and ſhould it be the public opinion that my views are too enlarged, and that part of the object ſhould be renounced from œconomical conſiderations, we muſt deſcend from our extenſive ſpeculation: Much local good may be done by partial reform, but we muſt diſmiſs our proud expectations as to reſult.

ALTHOUGH the letter of long eſtabliſhed laws has made the tenant anſwerable for the contingent demands of the police eſtabliſhment, yet, as the preſent neceſſity ariſes from a neglect of the landed proprietors; and as the reform muſt be of great permanent benefit to their property, it ſtrikes me as a ſevere, and, I muſt add, an unequitable adherence to legal diſpenſation, to lay the whole weight

weight on the tranſient poſſeſſor. Impreſſed with this idea, I cannot but accompany my propoſal with a ſuggeſtion, that the burthen on the tenantry ought to be alleviated.

To propoſe a *total* exemption from the general principle of the exiſting laws, would be to ſacrifice the bill in which ſuch a diſpenſing claule ſhould be included: Nor indeed is there any reaſon for ſuch an exemption Great as the whole ſum may appear; ſhould it be raiſed by an aſſeſſment appropriated to the individual purpoſe, the proportions would, in many inſtances, become ſmall and fractional, and, in the collecting, troubleſome and expenſive.*

The cuſtom, in frequent practice, of granting leaſes which exonerate the leſſor "*from all taxes that now are, or hereafter may be, impoſed by authority of Parliament, &c.*" appears to me an inſurmountable objection. A ſtatute which, by an *ex poſt facto* operation, ſhould counteract a mutual covenant, would be an inadmiſſible violence on the ſacred faith of conveyance.

From theſe various conſiderations I am prompted to recommend, that the principal ſum be raiſed by *loan on the credit of the County Rate*; whereby, the intereſt only being charged on the tenant, the amount will not exceed his equitable proportion. The loan

* The great inconvenience of making diſtinct collections for each charge on the County Rate, produced the Act of 12th Geo. II. which conſolidated the whole into one aſſeſſment.

may be effected by way of annuities for lives of the purchaſers, by tontine, or by ſecurities at ſimple intereſt, with redemption by a ſinking fund.* Of theſe different modes, I am inclined to prefer that of annuities; their certainty as a proviſion during life, gives them an imaginary value, greatly exceeding that which is founded on arithmetical calculation, and the difference is a benefit to be acquired by the borrower, which will be the public.

By tontines, the money might probably be raiſed at a lower intereſt than by any other means; but, as a relief from any part of the burthen of the intereſt would depend on the death of the laſt ſurviving ſubſcriber; and as the principal would not (as in moſt other caſes) be ſo employed as to create a fund to ſupport its payment, I think this ſcheme liable to objection.

By borrowing on ſimple intereſt, and creating a ſinking fund to diſcharge the principal in a given number of years, the public would be at a certainty, as to termination; but the preſent burthen would be greater than by the other ſchemes. By the moſt diſadvantageous of theſe modes, I venture to pronounce, that the annual aſſeſſment, until the principal would be liquidated, would not be more than double that of

* For reaſons which afterwards appeared to the Committee, the money was raiſed on ſureties bearing *ſimple intereſt*, and the fixed and determinate ſum of 2000*l.* per ann. was charged by the Act of Parliament on the rate, for paying the intereſt, and for ſecuring a fund for the redemption of the principal ſum borrowed.

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the laſt year;* by either, the money will be raiſed on good terms, as the ſecurity reſting on the whole landed property of the county, will be undeniable; and the intereſt being paid at home, will be favourable to inveſtments of perſons, reſident in the County.

It has been hinted, that the fund ought in ſome meaſure to be left open to voluntary donation. To means of this nature, I muſt object in the moſt decided terms: Every ſuch propoſal, becomes a tax on the generous and public ſpirited, to the relief only of the ſordid and ſelf-intereſted. In times which furniſh ſo many claims on the fund of public generoſity, we ſhould not load it with an object foreign to its concern. The deſign before us, cannot be ſtated as a charitable purpoſe, nor can its burthen fall on the pauper; it is a public benefit in which all are intereſted, in proportion to their property; and in that proportion *only* ſhould be the claim.

To the bounty of the Crown, we may with greater propriety apply. The cuſtody of priſoners, as part of the executive power, is, ſtrictly ſpeaking, a branch of the Royal Prerogative; ſuch an application would therefore be conſiſtent with the purpoſe. In building the Gaol for the county of Cornwall, the King gave 2000*l.* from the revenues of that duchy. To build the infirmary for this County, a conſiderable grant of timber was obtained from the Foreſt of Dean.

* At the time of publiſhing this 3d edition, the annual charge on the County for redeeming the coſt of all the priſons, does not amount to one-third of the annual ſum raiſed by the County Rate.

REGARDING the various means above ſuggeſted, I ſhall not preſume to impoſe my own opinion; it is ſufficient that I have ſubmitted them to your judgment: When authorized by your choice of any particular mode, I ſhall be happy to promote its beſt application.

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WHEN the ſcheme I have now the honour to lay before you, is compared with the actual ſtate of our priſons, I may perhaps be cenſured as a raſh intruder of new ſyſtems on the public; I have, however, been careful not to merit the accuſation; for the whole propoſal which meets the imagination, as ſo immenſe an undertaking, is no more than executing laws hitherto neglected.*

ALTHOUGH I ſtate the preſent powers of the magiſtrates to be ſufficient to effect our deſign; yet as they are derived from a variety of ſtatutes little connected with each other, many difficulties may ariſe in the courſe of our proceedings, which would be obviated by an appeal to the legiſlature, without any alteration in the ſpirit of the laws.

IF the general ſenſe of the exiſting evils, ſhould prove ſufficient to animate the County to deciſive meaſures, it will be the duty of thoſe who conduct the gene-

* VIDE the different ſtatutes mentioned in my firſt addreſs.

rous

rous effort, to give it every poſſible effect; and it will be for the intereſt of the public, that ſuch powers ſhould be obtained, as will lead moſt directly and moſt unequivocally to that end.

Some good effects may be expected to ariſe from public bills, during the approaching ſeſſions of Parliament. The bill lately introduced by Sir Cecil Wray, for the amendment of the Act of 11th and 12th W. will be reſumed; and Government will probably be brought to ſome final reſolution, reſpecting the Penitentiary plan. It will be proper therefore to wait the reſult, before we proceed by private bill.

As it is impoſſible that the buſineſs can take its commencement from better grounds, than the Meeting of this day; if I ſhould be ſo fortunate as to convince you of the neceſſity of the undertaking, I ſhall propoſe, that a committee be appointed, as the delegates of this Meeting; to be compoſed of ſuch gentlemen, and ſuch gentlemen only, as, in offering their ſervices, will mutually pledge themſelves to attend to future proceedings, in ſuch proportion, at leaſt, as that the buſineſs ſhall neither be neglected, or become burthenſome to individuals.

A committee ſo appointed, will indeed, as ſuch, be incompetent to the execution of any legal act; yet as ſuch committee will, in all probability, be principally compoſed of gentlemen who are acting Magiſtrates, and as their ſittings may be held during the

time of the Quarter Seſſions, their reſolutions as a Committee may be ſubmitted to and confirmed by the Court. Although an attention to the building of the priſons will be their chief concern, it will not be their only duty. Various and complicated are the abuſes and evaſions of the law, which obſtruct the due adminiſtration of juſtice; not leſs various muſt be the reſearches of thoſe who would correct them. The myſtery which ſcreens the demands of office from general notoriety, is a ſource of infinite oppreſſion, continued in defiance of poſitive ſtatutes to prevent it; and more conſonant to the proceedings of a court of inquiſition than of Engliſh law.

Encouraged by your confidence, I have thus preſumed to ſtate my ideas, in the form of a practical propoſition. If I have wearied your attention, I muſt entreat your indulgence in favour of a preciſion neceſſary to the occaſion.

It remains for me only, that I ſubmit my propoſal to the chair, and wait your final deciſion on its merits.

G. O. PAUL.

*The ſubject of the foregoing Addreſs, having been taken into conſideration, the following Reſolutions were agreed to, and ordered to be publiſhed as the unanimous ſenſe of the General Meeting of the County.*

GLOCESTER GRAND JURY-ROOM,
October 6, 1783.

*AT a General Meeting of the Nobility, Gentry, and Clergy of the County of Gloceſter, convened by the High Sheriff, for the purpoſe of taking into conſideration a reform of the Gaol and Bridewells of the ſaid County;*

*The Hon.* G. C. BERKELEY, *in the Chair:*

RESOLVED UNANIMOUSLY,

THAT *the Reſolutions of the Grand Juries of the two preceding Aſſizes are fully approved by this Meeting.*

THAT, *for the eſtabliſhment of a proper Police in the County, it is neceſſary that a new Gaol, and certain new Houſes of Correction, ſhould be built.*

THAT *the following Noblemen and Gentlemen be, and they are hereby appointed a Committee, to carry the deſign into execution.*

His Grace the DUKE of BEAUFORT.
The EARL of SURRY.
The Hon. G. C. BERKELEY.
Sir WM. CODRINGTON, Bart.
Sir G. O. PAUL, Bart.
CHAS. BARROW, Esq.
SAM. BLACKWELL, Esq.
BENJ. HYETT, Esq.
HOWE HICKS, Esq.
THOS MASTER, Esq.
JOHN HOWELL, Esq.
F. P. STRATFORD, Esq.
WM. HICKS, Esq.
JOHN EMBURY, Esq.
C. T. MORGAN, Esq.
ROBT. KINGSCOTE, Esq.
WM. BUCKLE, Esq.

The EARL BATHURST.
The LORD BISHOP of GLOCESTER.
JAS. DUTTON, Esq.
JOHN GUISE, Esq.
CHAS. EDWIN, Esq.
JAS. MARTIN, Esq.
JOHN WEBB, Esq.
JAS. BENSON, D.D.
Rev. RICH. BRERETON.
Rev. BENJ. NEWTON.
THOS. ESTCOURT, Esq.
THOS. PETTAT, Esq.
ROBT. CAMPBELL, Esq.
THOS. MEE, Esq.
JOHN WALL, Esq.
THOS. BAGHOT DELABERE, Esq.
CHAS. BRAGGE, Esq.

G. C. BERKELEY, *Chairman.*

# POSTSCRIPT,

*To a ſecond edition of theſe Proceedings, publiſhed in the year* 1784, *at the requeſt of ſome Members of Parliament and Magiſtrates of other Counties; on account of a Bill at that time before Parliament, for the better conſtruction and regulation of Gaols.*

FROM the nature of the applications which have induced me to a publication of this ſecond edition, I may conclude that the inſtance of exertion of the county of Gloceſter in the cauſe of priſon reformation, has produced a conſiderable effect on the intentions of other reſpectable counties: I flatter myſelf, therefore, I ſhall be excuſed, if, in my zeal to derive every poſſible advantage from this glow of public ſpirit, I preſume to call the attention of the legiſlature, to the expediency of ſuch general and deciſive parliamentary regulations as would unite the ſeveral county exertions into one effective ſyſtem of national police.

THE preſent ſtate of the police of this kingdom is a diſgrace to its government; if the obſervation were juſt—

juſt—*that the freedom of our conſtitution is an obſtacle to amendment*; I ſhould not heſitate to ſay, *it is time it ſhould be diſſolved*; the end of every political eſtabliſhment being the ſecurity of life and property to the ſociety over which it ſuperintends, when that ſecurity is not attainable, the purpoſe fails, and the ſocial compact remains an unmeaning obligation: But no ſuch abſurd conſequence can be drawn from the nature of our civil inſtitution; there exiſts no freedom in this country which acts againſt the general good, except that of thinking ourſelves diſpenſed from public duties. It appears by the preambles to ſtatutes on this ſubject, of the laſt and preceding centuries, that the grievance we complain of, has long exiſted in parliamentary contemplation The ſtatute-book proves with what a conſtant and renewed attention, the legiſlature has *recommended* a reform; whilſt experience ſhews how little theſe *recommendations* have been obſerved. When indolence and the ſelfiſh intereſts of mankind militate againſt ſuch regulations as are eſſential to the well-being of the community; it is time the legiſlature ſhould interpoſe its *deciſive* authority, and render thoſe regulations *poſitive*; if the good purpoſes of a law are undeniable, ſound policy requires that its execution ſhould be made *compulſory*. I am aware on what tender grounds I ſpeak of *compulſion* to men accuſtomed to an unlimited application of the word liberty; but freedom in a ſtate is by no means a diſpenſation from duty; on the contrary, the public obligations of individuals increaſe with the degree of conſtitutional liberty;

liberty; in every ſtate there muſt be a controuling power in exerciſe, and the ſhare of it which is withheld from the chief Magiſtrate and is lodged with the private citizen, is the ineſtimable privilege of his freedom; a privilege of which, ſhould he neglect to avail himſelf, confuſion muſt enſue, or (at the riſk of civil liberty) it muſt be exerciſed by the Crown.

I HOPE I ſhall be excuſed the introducing ſo much of general argument on a local ſubject, but, as the correction of abuſe in one diſtrict cannot fail to prevent the contagion of depravity from extending to another, even the local utility muſt be infinitely increaſed by an univerſality of exertion; it is, therefore, my duty, even on the narrow grounds of a county advocate, to plead for a general operation of the deſign in view; it has been demonſtrated, in the inſtance of a particular County, that, notwithſtanding every attention of the gaoler to his duty, its priſons are the ſources from whence diſeaſe, peſtilence, and infamy, are diffuſed through the country, that they are oppreſſive to the unfortunate, and incompetent to the puniſhment of the vicious: We have the undeniable evidence of Mr. HOWARD's reports, that theſe defects are not peculiar to any one diſtrict; the exceſſes which are obſerved daily to increaſe through the kingdom are ſufficient indications that the conſequences are univerſal.

IF it be admitted that the propoſed Reform requires

quires no new principle of legiſlation, but that it is fully within the reach of a reviſal of exiſting ſtatutes, or of new regulations on eſtabliſhing grounds, attended with deciſive meaſures to enforce them: What can be ſaid for that torpor in the ruling powers, which prevents an attention to ſuch enormities? Are the intereſts of internal ſecurity of no reſpect in the purpoſes of Government? Muſt the reſources of the ſtate be exerted, even to a ruinous extreme, on every ſpeculative apprehenſion from foreign violence, whilſt we nouriſh in our boſom a domeſtic enemy in actual array?

The queſtion is indeed now before the Houſe of Commons by Bill introduced by Sir Cecil Wray; it will again appear by motion on the Penitentiary Bill under the auſpices of another humane and worthy Baronet; but eſſential as theſe motions may be to the immediate objects of their attention, they will fall infinitely ſhort of radical reform. The meritorious exertions of individual counties, cannot indeed fail in their deſign to promote the purpoſes of humanity within their reſpective limits; but if we would give them an effectual operation towards a general police, they muſt be directed by ſuch an intelligence of plan and regulation as can alone be produced by a ſtatute of general and deciſive obligation.

The impediments to a due adminiſtration of juſtice have been ſo ably enlarged upon by men of ſuperior abilities and experience, that I ſhall not venture far

ſar on the ſubject: The defect in number and reſpectability of the acting Commiſſioners of the Peace; the impunity, ariſing from the expence of proſecution, from the diſtant ſituation or non-exiſtence of priſons for the ſmaller crimes, and from the connivance of pariſh officers with a view to ſcreen the poors' rate;—the inadequate appointment, and total relaxation of diſcipline amongſt the inferior officers of juſtice;—and the diſuſe, or ineffectual application of the leſſer corporal puniſhments,—are evils evident to the ſimpleſt obſervation.

To theſe neglects of law may be added ſome inſtances of vexatious execution. The proceedings on exchequer proceſs are (notwithſtanding the 4th G. III.) frequently attended with oppreſſion ſcarcely equalled in deſpotic countries; the juriſdiction of inferior courts are ſo many exemptions from the ordinary ſpirit of national juſtice; from their inſignificance they loſe that public notoriety which is the genius of Britiſh judicature; the emoluments of their adminiſtration often depend on the quantum of oppreſſion, and the execution of their edicts not leſs frequently remains at the diſcretion of the outcaſts of ſuperior courts.

It is greatly to be feared, that in theſe times of political diſſention,* much cannot be expected from miniſterial exertion; unhappily for this country, the attention and abilities of public men, while engaged

* This Poſtſcript was firſt publiſhed in 1784.

in

in directing ſyſtems of influence, are loſt to the public ſervice; and purpoſes of ſimple benefit to ſociety loſe their importance in the eternal ſtruggle for power: to wait the hour of union and cordiality, would be a dream too deluſive for men in earneſt for a reformation: To the protection of the independent and unambitious part of the repreſentation, therefore, I recommend the cauſe before me, in full conviction, that if the reſolutions of the County of Gloceſter were thoſe of the kingdom at large; and if they were ſupported by a general Bill of Regulation, founded on the principles of the laws in being, a perfect national police muſt be the important and unavoidable conſequence.

It may be thought impolitic to propoſe the conduct of a ſevere ſyſtem of reform, to thoſe whoſe voice in the legiſlature depends on popular opinion. It may be ſuggeſted, that the *illiberal*, which is the more numerous part of mankind, will cheriſh that neglect and colluſion which diſpenſe them from moral obligations; that they will be ſenſibly affected by ſacrifices of preſent gratification, whilſt they diſregard the proſpect of remote benefits.

To the ungoverned efforts of haſty reſentment, the popularity of good men may for a while be ſacrificed; but as the ſecurity and good order of a community cannot fail to be the beſt intereſt of the individuals who compoſe it; ſuch as thoſe to whom I appeal, will dare the effect of a firſt impreſſion, and wait the hour

hour of conviction. If ſuch men are not bold and determined as they are diſintereſted in the ſervice of their country, we have little indeed to hope in this moment of accumulating evils.

G. O. PAUL.

FINIS.

# PROCEEDINGS

OF A

*Committee appointed by a General Meeting of the County of Glocester, convened and held for the purpose of taking into consideration a plan of reform of the Gaol and other Prisons of the said County.*

GRAND JURY CHAMBER,
October 7, 1783.

*AT a Meeting of the Committee appointed by the General County Meeting, held yesterday, relative to the Gaol and other Prisons of this County;*

PRESENT,

His Grace the DUKE of BEAUFORT.
The EARL of SURRY.
The Hon. G. C. BERKELEY.
JAS. DUTTON, Esq.
JOHN GUISE, Esq.
BENJ. HYETT, Esq.
CHAS. EDWIN, Esq.
HOWE HICKS, Esq.
CHAS. BARROW, Esq.
THOS PETTAT, Esq.
JOHN WALL, Esq.
THOS. MASTER, Esq.
The EARL BATHURST.
The LORD BISHOP of GLOCESTER.
Sir WM. CODRINGTON, Bart.
Sir G. O. PAUL, Bart.
JAS. BENSON, D.D.
Rev. BENJ. NEWTON.
THOS. ESTCOURT, Esq.
ROBT. KINGSCOTE, Esq.
THOS. BAGHOT DELABERE, Esq.
CHAS. BRAGGE, Esq.
JOHN EMBURY, Esq.



RESOLVED,

RESOLVED,

THAT *Sir George Paul is elected Chairman of this Committee, and that Mr. Jepson is appointed Secretary.*

THAT *all the acting Magistrates for the County be considered as of this Committee.*

THAT it appears to this Committee,

THAT *the powers of the present existing Statutes are inadequate to the purpose of carrying into complete execution the Resolutions of the General Meeting; and that proper steps should be immediately taken for obtaining such further powers as are necessary.*

THAT, *in order to render effectual the intended reform, a Gaol and five new Bridewells should be built within this County, in the place of the like number now on the county establishment.*

THAT *the Bridewells should be placed in or near the following places:*

| | |
|---|---|
| *One at or near Dursley, to contain* | 50 *prisoners.* |
| *One at or near Bristol, to contain* | 40 |
| *One at or near Gloucester, to contain* | 20 |
| *One at or near Little Dean, to contain* | 40 |
| *One at or near Northleach, to contain* | 40 |

THAT *the site of the said prisons be more exactly determined by the Magistrates acting respectively for the divisions in which the prisons are proposed to be built, assisted by a surveyor to be appointed by the Magistrates in their Quarter Sessions.*

THAT

THAT, *in building the Gaol, a general ſeparation by claſſes ſhould be attended to; and that preparation be made for*

55 *Men felons,*
15 *Women ditto,*
40 *Debtors,*
10 *Fines,*
4 *King's evidence,*
30 *Male convicts,*
6 *Female ditto,*
20 *Bridewell priſoners;*

*and that ten cells be provided to receive priſoners under ſentence of death.*

THAT *a report of the above Reſolutions be made to the bench of Quarter Seſſions, by the Chairman.*

G. O. PAUL, *Chairman.*

*And the ſaid report being preſented, the Court informed the Committee,*

"THAT *due preſentments had been made of the inſufficiency of the Gaol and the ſeveral Bridewells within the county.*" *And,*

"THAT *they had taken the ſeveral recommendations of the Committee into conſideration, and had made them Orders of Seſſions.*

"C. WHITHORNE, *Dep. Clk. of the Peace.*"

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BOOTH-HALL,

February 13, 1784.

*AT a Meeting of the Gaol Committee, held by adjournment;*

 PRESENT,

PRESENT,

His Grace the DUKE of BEAUFORT.
The EARL BATHURST.
THOS. ESTCOURT, Esq.
BENJ. HYETT, Esq.
THOS. PETTAT, Esq.
THOS. MASTER, Esq.
HOWE HICKS, Esq.
CHAS. BRAGGE, Esq.
The LORD BISHOP of GLOCESTER.
The LORD BISHOP of SALISBURY.
Sir JOHN GUISE, Bart.
Rev. HEN. BATHURST.
JAS. BENSON, D.D.
Rev. RICH. BRERETON.

SIR G. O. PAUL, Bart. *in the Chair*;

RESOLVED,

THAT, *to facilitate the means of carrying the plan of the intended reform into effectual execution*, It is the opinion of this Committee,

THAT *the money neceſſary be raiſed by loan on the credit of the county rate.*

THAT *ſuch members of this Committee as may be reſident in London previous to the Eaſter Seſſions, be deſired to co-operate with the Chairman, in obtaining the moſt advantageous ſcheme of a loan, and in conducting the neceſſary application to Parliament.*

*Adjourned to Monday, 19th day of April next.*

G. O. PAUL, *Chairman.*

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BOOTH-HALL,

April 19, 1784.

*AT a meeting of the Gaol Committee, held by adjournment*;

PRESENT,

PRESENT,

THOS. MASTER, Esq.
BENJ. HYETT, Esq.
THOS. CRAWLEY BOEVEY, Esq.
THOS. MEE, Esq.
JAS. BENSON, D.D.
Rev. RICH. BRERETON.
F. P. STRATFORD, Esq.
DOD. HUNT, Esq.

SIR G. O. PAUL, *in the Chair*;

*Read a letter from the Rev. Dr. Price to the Chairman, containing his sentiments on the most advantageous scheme for raising money for the purposes of rebuilding the several prisons of the county.*

RESOLVED,

THAT *it is the opinion of this Committee, that the sum wanted should be raised by negotiable bonds of* 100*l. each, bearing simple interest; and that such sinking fund should be established for their redemption, as will liquidate the debt in a term not exceeding twenty-five years.*

THAT *the Chairman do present the thanks of this Committee to the Rev. Dr. Price, for his great attention to the subject submitted to his opinion.*

*Read heads for a proposed Act of Parliament, which were approved, and the Chairman was requested to form the same into a Bill, to be presented to Parliament.*

RESOLVED,

THAT *the Secretary do forthwith prepare a petition to the new Parliament, for leave to bring in a Bill for*

*rebuilding the Gaol and Houſes of Correction within this County.*

G. O. PAUL, *Chairman.*

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GRAND JURY-ROOM,

July 28, 1784.

*AT a Meeting of the Gaol Committee, held in purſuance of a call by advertiſement from the Chairman;*

PRESENT,

| | |
|---|---|
| Sir JOHN GUISE, Bart. | JOHN WEBB, Eſq. |
| HOWE HICKS, Eſq. | WM. HICKS, Eſq. |
| THOS. ESTCOURT, Eſq. | W. H. WINSTONE, Eſq. |
| JOHN RAYMOND, Eſq. | CHAS. HAYWARD, Eſq. |
| THOS. PETTAT, Eſq. | |

SIR G. O. PAUL, *in the Chair;*

THE CHAIRMAN REPORTED,

THAT, *in conſequence of a reſolution of a former meeting, he had prepared a draft of a Bill to be preſented to Parliament; but that having laid it before Mr. Hargrave (as Counſel) for his peruſal, he had detained it ſo long, that it had hitherto been impracticable to carry it into the Houſe. The Chairman alſo informed the Committee, that a Bill for a general law on the ſubject of re-building and regulating Gaols and other Priſons, was now in its progreſs through the Houſes of Parliament.*

RESOLVED,

THAT *the carrying into Parliament the ſpecial Bill for*

*for this county be deferred until the next Seſſions, and that, in the mean time, the Chairman be requeſted to reviſe and give directions for printing the ſame.*

RESOLVED,

THAT, *as it may be neceſſary, within a few years, to build a new Hall of Juſtice, at the expence of the County, it appears to the Committee, that, in the intended application to Parliament, there ſhould be included powers to raiſe money to build ſuch County Hall, in the ſame manner as is now intended to be done for rebuilding the Priſons.*

*Adjourned ſubject to a call by the Chairman.*

G. O. PAUL, *Chairman.*

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GRAND JURY-ROOM,

September 11, 1784.

*AT a Meeting of the Gaol Committee, held this day, in purſuance of notice from the Chairman;*

PRESENT,

| | |
|---|---|
| The EARL BATHURST. | The LORD BISHOP of GLOCESTER. |
| Sir JOHN GUISE, Bart. | |
| JAS. BENSON, D.D. | Rev. RICH. BRERETON. |
| THOS. ESTCOURT, Eſq. | THOS. BAGHOT DELABERE, Eſq. |
| JOHN WEBB, Eſq. | |
| MICH. HICKS, Eſq. | HOWE HICKS, Eſq. |
| F. P. STRATFORD, Eſq. | C. T. MORGAN, Eſq. |
| THOS. MASTER, Eſq. | ROBT. CAMPBELL, Eſq. |

Sir G. O. PAUL, *in the Chair;*

*The*

*The Chairman read extracts from an Act passed in the last Sessions of Parliament, entitled, "An Act to enable Justices of the Peace to build and repair Gaols in their respective counties."*

RESOLVED,

THAT *it appears to this Committee, that the powers of the said Act are still insufficient to carry into effectual execution the former resolutions of this Committee; and that it will be for the advantage of the contributors to the County Rate, that further powers should be obtained.*

RESOLVED, *therefore,*

THAT *the Chairman is requested, previous to the next Meeting of Parliament, to prepare a new draft of a special Bill for the County of Gloucester, and to lay the same before the County.*

G. O. PAUL, *Chairman.*

GRAND JURY-ROOM,
January 12, 1785.

PRESENT,

The Earl of Berkeley.
The Lord Bishop of Glocester.
Sir John Guise, Bart.
Thos. Master, Esq.
Chas. Hayward, Esq.
Howe Hicks, Esq.
Rob. Kingscote, Esq.
Thos. Crawley Boevey, Esq.
Thos. Pettat, Esq.
Thos. Baghot Delabere, Esq.
The Earl Bathurst.
Sir Wm. Codrington, Bart.
Rev. Rich. Brereton.
Wm. Adams, D.D.
J. A. Small, D.D.
Jas. Benson, D.D.
Wm. Hicks, Esq.
Wm. Hayward Winstone, Esq.
Chas. Bragge, Esq.
Dod. Hunt, Esq.
C. T. Morgan, Esq.

Sir G. O. Paul, *in the Chair*;

*The Chairman informed the Committee,*

That, *in pursuance of a request of the last Meeting, he had prepared a draft of a Bill "for building a New Gaol and Penitentiary House, and certain new Houses of Correction for the county of Glocester, and for regulating the same:" That it had been revised, and duly corrected by Mr. Shadwell (as Counsel), and that printed copies thereof were left at the Office of the Clerk of the Peace, to be delivered to the order of the acting Magistrates, and to be there perused by all other persons assessed to the County Rate; and that notice thereof had been published in three successive Glocester Journals.*

The

*The ſaid Bill being read, was approved, and the Members for the county were requeſted to carry the ſame into Parliament.*

G. O. PAUL, *Chairman.*

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GRAND JURY-ROOM,

April 5, 1785.

PRESENT,

His Grace the DUKE of BEAUFORT.
THOS. EDWARDS FREEMAN, Eſq.
CHAS. HAYWARD, Eſq.
Sir JOHN GUISE, Bart.
THOS. ESTCOURT, Eſq.
THOS. CRAWLEY, BOEVEY, Eſq.

SIR G. O. PAUL, *in the Chair;*

*This Committee having ſo far executed the purpoſe for which it was formed by the general County Meeting, held on the 6th of October, 1783, as to have obtained an Act of Parliament, in which the conduct of all further proceedings relative to the reform of the Priſons of this County, is veſted in the hands of the Commiſſioners under the ſaid Act;*

RESOLVED,

THAT *this Committee be diſſolved, and it is accordingly diſſolved.*

G. O. PAUL, *Chairman.*

# CALL

OF A

# GENERAL MEETING

OF THE

## *Nobility, Gentry, and other Contributors*

TO THE

## COUNTY RATE

OF THE

## *COUNTY OF GLOCESTER,*

FOR THE PURPOSE OF RECEIVING

A Statement of the Proceedings of the Committee

APPOINTED BY THE

*General Meeting held 6th October,* 1783, *&c.;*

WITH

# AN ADDRESS

*DELIVERED TO THE SAID MEETING.*

GLOCESTER,
GRAND JURY-ROOM,
March 28, 1792.

*AT a Meeting of the Commiſſioners for building a New Gaol, &c. for the County of Gloceſter;*

*The Commiſſioners conceiving they have completely carried into effect, the Reſolutions of the General Meeting of the County, held on the 6th day of October, 1783, to rebuild the Gaol and Bridewells of the County, in manner then determined; they are of opinion, that a ſtatement of the proceedings, and an account of the expences attending the execution of the deſign, ſhould be laid before the* County at large, *at a General Meeting to be held for that purpoſe.*

RESOLVED,

*That the propriety of an application to the High Sheriff, to call ſuch Meeting, be ſubmitted to the Grand Jury at the enſuing Aſſizes.*

*G. O. PAUL, Chairman.*

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GLOCESTER,
GRAND JURY ROOM,
March 30, 1792.

SIR,

*The Commiſſioners appointed to carry into execution the reſolution of the County, to rebuild the Gaol and Bridewells thereof, have reported to the Grand Jury aſſembled*

*at the preſent Aſſize, "That they conceive they have "completely executed the purpoſes of their commiſſion, "and that it is their wiſh to lay before a General Meet- "ing of the County, a ſtatement of their proceedings, "and an account of the expence attending the execution "of the deſign."*

*The Grand Jury, fully agreeing with the Commiſſioners in the propriety of ſubmitting to the public an account of their truſt, requeſt you will call a meeting of the Nobility, Gentry, Clergy, and others paying to the County Rate, to be holden at the Boothall, in Gloceſter, in order to receive from the Commiſſioners a ſtatement of their proceedings, and the accounts of all monies expended in carrying into execution the deſign of rebuilding the Gaol and Bridewells of the ſaid County.*

*The Grand Jury beg leave to propoſe Monday the 9th day of July (being the day previous to the Summer Seſſions) as the time moſt proper for the Meeting.*

*I have the honour to ſubſcribe myſelf,*
*Your obedient, humble ſervant,*
*G. O. PAUL, Foreman.*

JOHN EMBURY, ESQ.
High Sheriff for the County of Gloceſter.

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*IN conſequeuce of the above letter from* SIR GEORGE ONESIPHORUS PAUL, BART. *Foreman of the Grand Jury*

*Jury, I do hereby appoint a General Meeting of the Nobility, Gentry, Clergy, and other contributors to the County Rates, to be holden at the Boothall, in Gloceſter, on Monday the 9th day of July next, at Twelve o'Clock in the forenoon, to receive from the Commiſſioners a ſtatement of their proceedings, and an account of all monies expended in carrying into execution the deſign of rebuilding the Gaol and Bridewells of the ſaid County.*

*JOHN EMBURY.*

Gloceſter, March 31, 1792.

# AN ADDRESS

DELIVERED AT

*A* General Meeting *of the* Nobility, Gentry, Clergy, *and other Contributors to the County Rate of the County of* Glocester, *held on Monday the 9th of July*, 1792; *being a Statement of Proceedings of the Committee appointed by the* General Meeting, *held on the 6th Oct.* 1783, *for carrying into execution the plan of Reform of Prisons then determined.*

BY SIR G. O. PAUL.

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My Lords and Gentlemen,

WHEN I had laſt the honour to meet you aſſembled by the ſame high authority that has convened this Meeting, for the purpoſe of conſidering the ſtate of the priſons of your County; I laid before you the conſiderations on their defects which had been ſubmitted to the two preceding Grand Juries, together with the reſolutions of thoſe Juries on the ſubject. At the ſame time (by the deſire of many principal gentlemen of the County) I *reluctantly* ventured to reduce the idea of reform into a ſpecific plan, founded on the principle of complete diſcrimination of

offences; whence, ſhould the ends of juſtice be obtained, the public might derive a benefit adequate to the expence of carrying ſuch plan into execution.

THE reſult of the deliberations of that meeting, was, the reſolving *unanimouſly*,

"THAT the Reſolutions of the Grand Juries of "of the two preceding Aſſizes are fully approved by "this Meeting." And,

2d. "THAT, for the eſtabliſhment of a proper "police in the County, it is neceſſary that a new "Gaol, and certain new Houſes of Correction, "ſhould be built."

AND in order to give effect to theſe deciſive reſolutions, a Committee was inſtantly appointed to carry them into execution.

THE Committee, ſo appointed, entered on their duty with an alacrity that did them honour; but as the propriety of obtaining ſpecial powers from Parliament ſuggeſted itſelf to them on their firſt entering on the buſineſs, an act was obtained under their direction, by which their original appointment was ſuperſeded; and *their* reſponſibility to the public reſts ſolely on the propriety of this ſingle meaſure.

TRUE it is, the greater number of thoſe to whom the original truſt was delegated were included in the commiſſion,

commiſſion, and have acted under the powers of the act; yet as their proceedings could no longer be determined by their own will, they remain no longer amenable to arbitrary opinion. Their conduct was preſcribed by the injunctions of the legiſlature; if they have neglected thoſe injunctions, the wrong is palpable, and poſitive.

In ſpeaking my own ſentiments, I doubt not, I am delivering thoſe of all with whom I have had the honour to act; It is *their*, as it is *my* earneſt wiſh, that the whole which has been done ſhould be ſubmitted to the PUBLIC, who, if they have not a legal, have at leaſt a reaſonable right to *enquire into*, to *judge*, and (if defective) to *cenſure* the conduct of perſons who accepted a truſt ſo important to the County.

For this purpoſe this Meeting has been ſolicited, and is now convened; and though the individuals who compoſe it may not be *identically* the ſame as attended the former Meeting, yet, being one and the other convened by the higheſt provincial authority, with due notice both as to time and ſubject, the Commiſſioners muſt conſider the two Meetings as of the ſame public body, and competent to form reſolutions connected *with* and relative *to* each other. The Meeting of the 6th October, 1783, (ſpeaking for the County) was competent to decide upon, and to ſanction the meaſure in contemplation, to delegate a power for its execution, and to adjourn its deliberations: the Meeting of this day, reſuming thoſe deliberations,

rations, is called to judge of the manner in which the directions of the former Meeting have been fulfilled.

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In ſubmitting the proceedings to your inveſtigation, I claim your indulgence, whilſt (detaching what has already been juſtified by public approbation) I endeavour to concentrate your attention to thoſe points where the Commiſſioners are, or where I have no objection to admit, I am myſelf, *individually*, reſponſible.

After nine years proceeding in this buſineſs, it is not to be preſumed, that either the Commiſſioners or myſelf ſtand before you as generally anſwerable for the propriety of the meaſure. At this ſtage of the buſineſs, I am not to argue the inſufficiency of your old priſons, or the neceſſity of their radical reform; I am not to juſtify the mechanical perfection of the plans adopted, the number of the buildings, or the convenience of their ſituation; theſe are queſtions which have been ſo repeatedly ſubmitted to conſideration, ſo deliberately determined by the perſons of principal property in the County, in their various ſituations, and finally confirmed by orders of your court of Quarter Seſſion; it would not become me to bring them again into queſtion. I have, from time to time, ſubmitted my opinions on theſe ſubjects to the public judgment; and when theſe have been

been eſtabliſhed by public deciſion, *but not before*, I have endeavoured to promote their beſt application.

MUCH need not be ſaid to vindicate the Committee in obtaining from Parliament additional powers for executing the deſign; for that meaſure cannot require juſtification which is calculated to alleviate a burthen, and give energy to a plan already determined; more particularly as the work was purpoſely delayed, in order that the bill for giving theſe powers, and enacting the regulations, might be laid before the County during two Seſſions of Parliament.

WAVING, therefore, all points already eſtabliſhed by the Meeting of the 6th October, 1783, I conceive the Committee then appointed, engaged to promote the reſolutions of that Meeting; reſponſible that the plans and regulations ſhould be analogous to that definition of reform, which was then laid down and approved.

As one of that Committee on whom more than an equal ſhare of direction has unfortunately devolved, I am amenable to more than an equal ſhare of reſponſibility. Should an apology be neceſſary for claiming your attention to points which may be ſuppoſed perſonally to intereſt me, I am ſure I ſhall find it in the breaſts of thoſe who hear me, at whoſe requeſt I undertook this unequal ſhare in the conduct of the work, and by whoſe confidence I have been reconciled to the conſequent anxiety.

THAT I am really individually reſponſible, it would be

be ridiculous to admit; yet the attention of the public has pointed perſonally to me; and, in truth, the majority of the inhabitants of the County have thought proper to conſider me as *ſolely* accountable for the meaſure and its conſequences: I am by no means deſirous of avoiding judgment on this ground; and thus we are at iſſue before you. Objections to my arguments have never met me, in the only form in which they could be conteſted; they have avoided public diſcuſſion; they have been concealed under apparent approbation; and however I may owe to ſuch opponents an obligation for depreſſing that vanity which might have ariſen from univerſal praiſe, the PUBLIC owe them no thanks for the benefit of their opinions; theſe have not been urged at a time, or in a manner, when errors might have been corrected, or injury prevented. Objections which are not ſtimulated by zeal for public good; cenſure which is not the reſentment of a public injuſtice; and opinions which avoid diſcuſſion, are neither worthy your conſideration or my own. When I ſubmitted the plan of this work to the County, with it I ſubmitted my reaſons for recommending it; it reſted with the PUBLIC to weigh thoſe reaſons; and for the credit of that PUBLIC, it muſt be preſumed they did ſo, before they *decidedly* adopted them.

THE queſtions for your preſent conſideration appear therefore to be reduced to theſe following:

1ſt. IN carrying into execution the deſign reſolved on by the County Meeting of the 6th October, 1783, have

have the Committee purſued the general tenor of the reſolutions then entered into?

2d. In making agreements for executing the work, has the public intereſt been ſacrificed by jobs or bargains in favour of private prejudice, or of individual intereſt?

3d. Has the execution of the work been attended to? Have the agents for the public been controuled, and their accounts duly audited? and is it in the power of the County at this or any future time to examine the proceedings of the Commiſſioners, and to inform themſelves of the manner in which the public money has been expended?

4th. Has the expence of executing the deſign, been equitably charged on the claſſes of perſons, preſumed by law, to be benefited by an improvement of police? and has the money been levied in a manner moſt conſiſtent with the general intereſt of the County?

As it is a moſt eſſential ſanction to a work of this extent, that ſufficient time ſhould be given, to reconſider, or (if I may uſe the expreſſion) to *repent* of a meaſure, which may have been, perhaps, too eagerly and zealouſly embraced; I cannot avoid detaining you whilſt I trace the deliberate progreſſion of every ſtep in this work: in ſo doing, I ſhould abuſe your patience, were I to enter into a detail of particulars,

particulars, which would rather perplex than elucidate the general queſtion, to which it is my buſineſs to lead you. Every circumſtance is carefully recorded in the regiſter of the proceedings of the Commiſſioners; this regiſter is now before you, and may be inſtantly referred to, reſpecting any particular worthy your attention.*

I MUST call to the recollection of this meeting, that the firſt ſtep in this extenſive work was taken by the Grand Jury of the Lent Aſſizes, 1783: the horrible effects of a fever, generated by crowded confinement in an ill adapted priſon, having been recently marked by ſacrifices more than commonly affecting to the public ſentiment; an apprehenſion of danger to the court, ſuggeſted to the Judges the meaſure of retaining priſoners for trial until a future Aſſize. This extraordinary impediment to the courſe of public juſtice, together with a knowledge of the fatal facts that had cauſed ſuch a proceeding, firſt rouſed the Grand Jury to an enquiry into the actual ſtate of a priſon, the ſource of ſo dangerous a peſtilence.

THE firſt view was ſufficient to convince the gentlemen of the Grand Jury, that the evil was rooted in eſtabliſhed habits of abuſe and neglect, and that

* *By the Act ſect. 5, "All orders and proceedings ſhall be entered in a book; and all books of proceedings ſhall be lodged with the Clerk to the Commiſſioners for the time being, and ſhall and may be peruſed and inſpected at all ſeaſonable times, by any perſon aſſeſſed to the Poor's Rate within the County of Glocester."*

ſuch

ſuch a reform as would be effectual, muſt be too expenſive to be precipitately engaged in; they therefore went no further than to expreſs their conviction "of the neceſſity of a ſpeedy remedy," and to call on the public "ſeriouſly to conſider the evil, together with the extenſive means, which muſt be employed in effecting a radical reform;" and finally they referred "the reconſideration of the ſubject to the ſubſequent Grand Jury."

PREVIOUS to the following, namely, the Summer Aſſizes 1783, further enquiry had educed additional inſtances of horror, and new cauſes of apprehenſion to the public. It was proved that the fatal fever, once generated, was not confined within the walls of the priſon; carried home by diſcharged priſoners to the towns and villages, it had entered the dwellings of the laborious poor, and had already ſo diffuſed itſelf in ſome parts of the County, as to produce no inconſiderable aggravation of the parochial rate, and to threaten a conſiderable depopulation of the country.

THESE accumulating miſerable conſequences of an indiſcriminate and peſtilential confinement, impreſſed themſelves ſo forcibly on the gentlemen of this ſecond Grand Jury, that they formed the ſtrong and decided reſolutions, which fixed the baſis of all ſubſequent proceedings; they not only recommended the ſubject to the attention of the court of Quarter Seſſions, (to whoſe care the law has intruſted the provincial

provincial purſe,) but ſent a requiſition to the Sheriff, to call a general meeting of the county, to judge of the reſolutions which they had paſſed, and to determine on the means of carrying them into effect. A meeting of the County was called by public advertiſement on the 9th of Auguſt, and was held on the 6th of October following; the reſpectable attendance cannot be forgotten.

The ſame proofs of the exiſting evil, which had been laid before the Grand Juries, were ſubmitted to the conſideration of this Meeting; together with a ſtatement, which ſhewed the extenſive ſcale on which any plan muſt be formed which had in view a radical correction. So ſanguine were the ſentiments of the gentlemen aſſembled, that it was neceſſary rather to repreſs, than to encourage the ardor with which the undertaking was reſolved. The reſult was (as before obſerved) a deciſive confirmation of all previous proceedings on the ſubject, and an unanimous reſolution, to carry into immediate execution an extenſive plan of reform.

By reference to the ſcheme ſubmitted to the gentlemen attending that Meeting, and fully adopted by the tenor of their reſolutions;* it will appear to have been their decided opinion, that the reform ought to be undertaken "on the moſt extenſive ſcale; on a plan "that ſhould effect a total change in that ſyſtem "which had hitherto been ſuffered to exiſt;" "That

* See Addreſs to the County Meeting 1783, p. 65, and following.

five

" five new Bridewells ſhould be built in lieu of thoſe " now on the county eſtabliſhment, and that their " ſituation ſhould be ſuch as would moſt equally ac- " commodate all parts of the County, taking into " conſideration the degree of population as well as " the extent of each diſtrict."—" That one of theſe " Bridewells ſhould be built in or near the city of " Gloceſter, to be called by diſtinction the Peniten- " tiary-houſe, and to be fitted up in conformity to " the act of the 19 G. III. c. 74; That all the other " Bridewells ſhould be built on a principle of ſepara- " tion of the claſſes, and alſo of *individual* ſeparation, " and otherwiſe as required by the act 22 G. III." " That the county Gaol ſhould be rebuilt on a plan " providing for the ſeparation of men from women, " and of debtors and fines from all other priſoners; " with a night cell for each felon, and apartments for " labour for each claſs; to ſubdivide the courts; to " provide a chapel, baths, and hoſpital, as directed by " the ſtatutes for the reſpective caſes."

With regard to the expence of the work, it was admitted by the ſame reſolutions, " That, provided " every idea of magnificence was excluded from the " intended plan, and that every prudent meaſure was " adopted to manage the finance with ſtrict œcono- " my, the expence requiſite to put the laws in force, " to ſecure a police to the County, and to diſpenſe " equal juſtice to the people, was a CLAIM ON THE " PUBLIC STOCK to whatever extent it might " amount."

It was further the adopted opinion of the meeting, that "although the preſent powers of the Magiſtrates "might be ſufficient to effect the deſign, yet, as they "are derived from a variety of ſtatutes, little con-"nected with each other, it would be the duty of "thoſe who ſhould be appointed to conduct this ge-"nerous effort, to give it every poſſible effect, by ob-"taining ſuch powers as ſhould lead moſt directly, "and moſt unequivocally to that end."

Such was the general outline, to circumſcribe the conduct of thoſe who undertook to effect this work; *preciſe* as to principle, extent, and purpoſe; *diſcretional* as to the means to be employed.

The Committee, in purſuance of their appointment, met on the following day (7th of October 1783) and continued their ſittings by various adjournments until the 5th of April 1785; when, having formed their whole deſign into a bill, which Parliament had thought proper to paſs into a law, their powers became ſuperſeded, and they diſſolved themſelves.

From that time the Commiſſioners appointed under the act proceeded to fulfil the injunctions of the ſtatute with zeal and attention, but under circumſtances which have protracted the completion of their work, to a period much beyond their *own* and the *public* expectation.

Finally,

FINALLY, in the name of the Commiſſioners I may aſſume, *That the buildings are com leted according to the intent of the County, and the letter of the ſtatute; that the plans adopted are conjonant to the purpoſes for which they were deſigned; and that the whole has been effected by means moſt equitable to the claſs of inhabitants, who, by law, were liable to the expence.*

THE "buildings being completed, fitted up, and furniſhed," the duty of the Commiſſioners is at an end, or, at moſt, is li ited to the attending to the diſcharge of the mortgages created by them. The power of regulating this coſtly work remains, in the ordinary courſe of law, with the Magiſtrates of the County aſſembled in Quarter Seſſions, on whoſe aſſiduity the public muſt rely for beneficial effects, which could not be derived from a ſyſtem of conſtruction *leſs* complete; but which *this* ſyſtem will not accompliſh without their conſtant zeal and judicious application.

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RESPECTING the expence of executing this work; as it has fallen to my lot to be a principal adviſer in making contracts and agreements; and as all accounts have been examined and ſettled by me, I am certainly *peculiarly* anſwerable in this point.

PAYMENTS of all kinds have been made either by

myſelf in advance, or by immediate orders on the treaſurer, with whom the ſtanding caſh has been kept, at an annual intereſt of 3l. per cent.; the balance of his book has been ſtruck daily; and it will appear that money has never been drawn from the treaſurer until actually paid to the public creditor, unleſs when lodged, in ſmall ſums, in the hands of Commiſſioners reſident near the work, for the weekly payment of wages to workmen at ſuch buildings as were too diſtant to be ſupplied by the general treaſurer. The date of the receipt given on each payment will be found generally to *precede* the date of the correſponding payment by the treaſurer, in no inſtance is it ſubſequent; it was thought for the honour and the intereſt of the public, that the workmen and contractors ſhould be paid inſtantly on requiſition, and we believe, that the one per cent. allowed for ready money kept for this purpoſe, has been amply repaid, by the credit given to the work; indeed nothing leſs would have enabled the Commiſſioners to have made bargains, ſo favourable to the public as they have done.

THE books and the accounts, of all kinds, have been kept by myſelf; whatever errors or neglect you may perceive in them, ſuch are my own; in that reſpect there is no one on whom I can diſburthen an atom of blame.

THE accounts are all before you, in a ſtate, in which it cannot be difficult, and, I truſt, it will not be diſagreeable, for the Meeting to examine them.

In

In order to bring the ſubject of expence before your judgment in the moſt ſimple manner that ſo complicated a concern will admit, I have formed various abſtracts from the general account, which will place the expenditure in every relative point of view that has occurred to me.

By the general account it appears, that the total money paid by the Commiſſioners (in conſequence of the reſolution of the County, on the 6th of October 1783) amounts to 46,437l. 11s. 4d.

*Of this has been expended,*

| | £. | s. | d. |
|---|---|---|---|
| At Gloceſter Gaol, Penitentiary Houſe, and Houſe of Correction | 25,891 | 18 | 6 |
| Horſley | 6,180 | 17 | 10 |
| Northleach | 5,111 | 6 | 4 |
| Briſtol | 4,990 | 17 | 0 |
| Little-Dean | 3,308 | 16 | 6 |
| General Items | 953 | 15 | 2 |
| | * 46,437 | 11 | 4 |

The accounts are made up to this day; they are as complete as it is poſſible for me to render them, after an earneſt application to the ſubject, and after poſtponing, for more than a year, the honour I now poſſeſs of laying them before you, in the hope that

* For particulars, refer to the Abſtract printed at the end of this Addreſs.

every article of account might be completely balanced; in this hope I have been disappointed by delays in some law proceedings in which we are necessarily engaged; delays which will yield to no solicitation The bills of some few distant tradesmen, to which the Commissioners have objected, remain also unsettled; but as I have, in these cases, advanced money on account, to the amount of what I conceive their just demand, I venture to deliver the above as the full cost of the work.

The total of this expenditure far exceeds the amount of the Surveyor's estimate laid before the Committee.

Gentlemen, who have themselves been builders on a smaller scale, and even under their own eye, must be aware of the fallacy of previous estimate; in this work, every branch of which was new both to the calculator and workman, great allowance for error *ought* to have been made; great allowance *was* made; and the result has exceeded it; yet there is every reason to believe, that the work has been done on terms favourable to the public; even on such terms as would not again be undertaken, or could not again be executed.

To lead you to a more detailed view of the general œconomy of the work, the expenditure should be considered under the four different heads, of PREVIOUS CONTRACT; SUBSEQUENT ESTIMATE; DAY-

LABOUR

LABOUR AND MATERIALS ON IMMEDIATE ACCOUNT OF THE COMMISSIONERS; and, laſtly, EQUITABLE RETRIBUTION FOR LOSSES ASCERTAINED.

1ſt. EVERY article that could be contracted for without injury to the work was ſubmitted to competition; in deciding on propoſals, the Commiſſioners have, in every inſtance, been unanimous; the principle of their unanimity has been the rejection of every impreſſion of perſonal favour, and local prejudice.

2d. WITH regard to work which did not admit of previous eſtimate, it could not be ſafely made the ſubject of a contract; the rule eſtabliſhed in this branch was, to avoid as much as poſſible the purchaſe of materials, or the paying of labour on the *immediate* account of the Commiſſioners; it was agreed with the contractors to take all ſuch work on their own riſk, and, when completed, to be ſubmitted to valuation; the value was fixed on quantity meaſured, by a perſon of the firſt ability in his line, and I venture to ſay that it will appear that no more than a juſt conſideration has been given.

3d. IN finiſhing and fitting up, ſome work has of neceſſity been done, and ſome materials purchaſed, on the *immediate* account of the Commiſſioners; this part has generally been directed by myſelf, and the execution conſtantly attended to by the clerk of the works at each place, whoſe integrity

I have, in no inſtance, found cauſe to ſuſpect; you will perceive that the accounts under this head of diſburſement have been ſo kept, as to admit of the conſtant check of the ſuperintending Commiſſioner at his viſit to the work.

4th. I CONCEIVE I need not inform you that ſome perſons have been victims to their contracts with the County; others have been ſufferers to a large amount from accidental circumſtances, or by uſeful deviations from their particular: where theſe caſes were not covered by the words of their agreement, they produced claims on the equity of the Commiſſioners, which it was not poſſible wholly to admit, and which it ſeemed inconſiſtent with the juſtice of a great County wholly to reject. The principle adopted in this caſe will be beſt explained by referring to a reſolution entered on our journal previous to conſidering the different demands.

*Copy of an entry in the book of proceedings, dated the 12th day of September*, 1792.

" ALTHOUGH in deciding betwixt the public and " their contractors, the Commiſſioners conſider themſelves authorized to act with a liberality becoming " a reſpectable County; yet they can by no means " think themſelves juſtified in extending that libe- " rality to mere gratuities where there is not (at " leaſt) an *equitable claim*, or a value received by " ſome ſervice performed, *more* than underſtood when " the

" the agreement in queſtion was entered into. They
" therefore declare, as a rule to direct their proceed-
" ings, that, reſpecting any contract or agreement,
" where any additional ſum has been expended by
" the contractor, by which the works are rendered
" ſubſtantially better for their purpoſe, than if exe-
" cuted in exact conformity to the plan and parti-
" cular, the COMMISSIONERS will think themſelves
" juſtified in allowing a reaſonable compenſation;
" but where ſuch additional expence is the mere ef-
" fect of misfortune, or of circumſtances injurious to
" the workman, but whereby the work has obtained
" no advantage beyond what the particular directed,
" ſevere as the caſe may be, it ſeems that juſtice to
" the public requires them *to reject the claim.*"

THE CAUSES of the exceſs of expenditure are va-
rious; from which, though it could not be preſumed
ſo complicated an undertaking could be exempt, yet
it ſeems due to the public to explain them, as far as
they admit of explanation.

1ſt. THE eſtimates were formed below the poſſi-
bility of executing the work within their limits.

2d. A PRINCIPAL contractor who engaged on
the terms of the eſtimate, failed to execute his con-
tract; the failure produced a delay; and the delay
aggravated the contingent expences.

3d. MANY improvements on the original deſign
have been introduced into the work.

4th.

4th. And, finally, the Court of Quarter Seſſions thought proper to give an extenſion of conſtruction to the words of the act, favourable to the *preſent* payers to the County rate, at the expence of the fund under the Commiſſioners direction. The Commiſſioners have not only paid for fixtures and the ſubſtantial articles of fitting up, and furniſhing, but have taken to the account, bedding, and clothing for the priſoners, furniſhing the committee-rooms, &c.

The failure of the contractor who undertook the building of the Horſley, Dean and Northleach Bridewells, has been too material a circumſtance to be paſſed unnoticed. The firſt eſtimates for the building theſe three priſons, amounted to 6,588l; the moſt favourable propoſals for executing this work, amounted to 12,155l.; theſe were, of courſe, rejected. Perceiving ſo material a difference, the Commiſſioners directed their architect to reconſider his eſtimates; he did ſo, and increaſed the amount to 7,075l.

Soon after this ſecond eſtimate, the Commiſſioners entered into a contract with Mr. Gabriel Arnold Rogers, the younger, to execute them for the ſum of 6,930l.; accepting as ſecurity for his performance of contract, Mr. Rogers ſen. (father to the contractor,) and Mr. John Fentiman, an eminent builder in London; Mr. Rogers failed in his attempt, and, becoming a bankrupt, his ſecurities were called upon to complete the work.

For

For reaſons that will appear in the Regiſter of proceedings, the Commiſſioners thought it for the intereſt of the public, and juſtice between the parties, to agree with Mr. Fentiman (one of Rogers's ſecurities) to complete the work for the ſum of 1,000l. in addition to the original contract; and to direct that Mr. Rogers, ſen. (the other ſecurity) ſhould be ſued on his bond for the 1,000l. ſo paid, as the loſs ſuſtained by the County by the non-performance of the contract. After combating the delays and intricacies of the law for two years, judgment has at length been obtained, and the effects of the defendant taken in execution; but as the value amounted to no more than 40l. the defendant is your priſoner for the remainder; and, by ſo much as he is incapable of diſcharging this debt, ſo much is the public loſs by the firſt contract not being completed: ſuppoſe the County to loſe 960l.* and adding this to 6,930l. (the terms of the original contract with Rogers,) it is leſs by 4,265l. than the next moſt favourable propoſal that had been made. The Commiſſioners are therefore juſtified in ſaying, that, under all the circumſtances, the beſt poſſible bargain has been made in this particular.

The delay in execution of the work has been a cauſe of increaſe of expence, principally by the conſequent neceſſity of continuing to pay the

* Since the delivery of this Addreſs, the Commiſſioners have conſented to liberate Rogers on his paying 200l. as a compoſition for his debt, which diminiſhes the loſs by ſo much.

wages

wages of the clerks and ſuperintendants ſo much the longer. It had been previouſly ſtipulated with the architect, that *his* per centage ſhould be paid only on the amount of his firſt eſtimate; the expences of his journies were, by agreement, paid in a groſs ſum; ſo that it was his intereſt to have given the largeſt probable eſtimate at firſt; it was alſo his intereſt to preſs forward the concluſion; it could not be his intereſt to increaſe any ſubſequent expence.

The delay in completing the deſign is certainly a reaſonable cauſe of public complaint, more particularly ſo as its inevitable conſequence has been an increaſe of expence; and as all cauſe of complaint muſt attach more peculiarly to the chief director; I muſt be allowed to ſtate thoſe impediments which, though I could not ſee without regret, I was obliged to ſubmit to, without the power to remedy.

It was deſigned not only that the execution of the work and the ſurvey ſhould be completely diſtinct, but that even the ſurveyors ſhould be conſtantly ſuperintended by Commiſſioners reſident near the ſpot, formed into ſub-committees at each work, ſo that the whole might proceed at one and the ſame time, and at the ſame time be attended to.

By reſolutions of 16th Feb. 6th Oct. and 6th Nov. 1787, ſub-committees were appointed to the ſuperintendance of all the buildings, as directed by the 6th ſection of your act. It is to be regretted, that

that the gentlemen ſo appointed, were ſo unconſcious of the benefit which would ariſe from their attention to this duty, that the whole effect of this very uſeful clauſe was loſt to the public.

EARLY in the buſineſs the powers of our very ingenious architect were weakened by ſickneſs; and, finally, by his death, I was left ſole in the direction of the work, and the controul of the workmen, at five buildings in oppoſite points of the County, at a time when, as the contract work was completed, new orders and inſtructions were daily neceſſary. I hope it will not be imagined I had the *vanity* to think, I could execute what was before me as it ought to be; or the *apathy* to perceive with indifference that the public dependance on my controul increaſed with the difficulty of controuling. In this ſituation ſhould I have reſigned a truſt, which I could not *perfectly* execute? or, devoting my beſt exertions, ſhould I ſubmit to circumſtances I could not remedy?

THE queſtion between the two modes of conduct paſſed in my mind; I determined on the latter, as appearing leſs injurious to the public than would have been the delay of forming new arrangements. I ſhould indeed be anſwerable for binding the County by a moſt ill-conceived and trivolous law, had the ſtatute, which regulated this work, depended for its operation on the efforts of *any* individual, whoſe death or whoſe receſſion would have ſtagnated the current of the whole deſign; on the contrary, it is evidently

evidently the tendency of the act to claſs the duties it creates, ſo as to divide them amongſt the whole body of gentlemen of the County.

To the Commiſſioners *collectively* it is given to direct the WHOLE; to ſub-committees of thoſe Commiſſioners to ſuperintend THE PARTS of the work; whilſt the Juſtices on the bench of Quarter Seſſions are directed to form regulations and eſtabliſh the government of the priſons when completed.

AT the Summer Aſſize, 1789, a report was made to the court of Quarter Seſſions of the approaching completion of the buildings, with a ſuggeſtion that "it was time for the Magiſtrates to prepare regulations for their government." It was my hope that the gentlemen on the Bench would have entered on the performance of this part of the duty *independently* of the Commiſſioners. It was, however, thought proper to refer this buſineſs alſo to me; and I am free to confeſs, that the application to forming the regulations and attending to their effect, has very much diſtracted my attention from the buildings, which the intereſt of the County *moſt certainly* required ſhould have been uninterrupted.

GENTLEMEN will not, I hope, conceive I preſs this circumſtance as a perſonal grievance; far from it; from whatever motive ſo much of the public concern has devolved on me, I am certainly honoured by that confidence which has allowed it; as to my time,

it

it has been my *inclination* to apply it *exclusively* to this object; and whether it was employed in one or in various duties, it could be of no other import to me, than as those efforts are certainly exerted with more satisfaction, which fill the measure of our design, than those which we feel to be inadequate to complete the objects of our labours.

These, Gentlemen, are my *reasons*, not my *excuses*, for the delay in executing what finally is completed, and for much imperfection which still remains in points of regulation. Where the parts designed for various hands devolve to a single individual, it needs no laboured demonstration to prove, of two things, one. The work must be less complete, or it must be longer in completing.

The third cause of excess, I take on me to answer for advising; the system which the County undertook had not the benefit of previous experiment to correct it. It was a theory of that benevolent critic on former establishments, whose loss humanity must now deplore; a theory perhaps too ardently conceived to be at once correctly fit for execution: in the progress of the work, many improvements opened to my observation, and on me rests the blame of advising the Commissioners, in *all cases*, to adopt what appeared to be improvement on the original design. Many expensive additions have been adopted, tending, or (at least) conceived to tend to the permanency of the work, to the security of the prisoners, or generally to promote

promote the humane purpoſe for which the whole was undertaken.

As to the 4th head of exceſs, I muſt obſerve, that conſiderable payments have been made by the Commiſſioners which, moſt aſſuredly, might have been referred to the ordinary fund of county expences; and I muſt take this opportunity to urge an obſervation to gentlemen who may hereafter have to decide the queſtion; it is not merely a *nominal*, but an *eſſential* difference whether payments are made from the ORDINARY FUND, or from the FUND OF THE COMMISSIONERS, although both levied from the ſame ſource.

THE money borrowed to defray that expence which has been, or may be accumulated on the firſt eſtimate, is payable at ſuch a diſtance of time, that it is beyond a probability it can affect the tenantry; the difference therefore is no leſs, than whether the payment in queſtion ſhall be the landlord's or the tenant's charge.

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HAVING thus ſtated to you every circumſtance which occurs to me relative to the expenditure, I proceed to ſhew you in what manner the ſupply has been raiſed.

WHEN the County determined on this deſign, the whole expence of repairs or improvement of priſons muſt

muſt have been charged on the ordinary County Rate, and wholly levied at the time in which any ſuch expenditure was directed. There being no power of anticipation then exiſting, this was ſolely and entirely a tenant's tax. It was the firſt object of your Committee to conſider the means by which the burthen might be properly relieved. The beſt opinions were conſulted; and various plans of annuities, and tontines were ſubmitted to them; but theſe have finally given way to a reſolution,* "That it would be "moſt for the intereſt of the public to raiſe money on "negotiable bonds, bearing ſimple intereſt; and that "ſuch a ſinking fund ſhould be eſtabliſhed as would "liquidate the debt in twenty-five years." By peruſing the act you will perceive, that the mode of borrowing, thus propoſed, has been adopted, but not with the limitation mentioned; otherwiſe than as it protects the *tenant* from exceſs. As the tenantry were not to direct the work, it was thought juſt to exempt them from the conſequence of exceſs in expenditure; the annual payment, or annuity, was therefore preciſely fixed, and the amount calculated on the preſumption of borrowing 28,000l. and to redeem that ſum in twenty-five years.

The exceſs upon the firſt eſtimate being a burthen on a term beyond what can be preſumed to be the tenant's intereſt in the land, it cannot be conſidered as affecting him.

By ſect. 35 of our act, it is directed, "That the

* See proceeding April 19, 1784.

" Commiſſioners ſhall borrow and take up on mort-
" gage of the County Rate, ſuch ſum or ſums of
" money as to them *ſhall appear neceſſary and expe-*
" *dient* for the purpoſes of the act." But by ſect. 37, " the ſum to be annually received by the Com-
" miſſioners ſhall be 2,000l. and *no more*;" and by ſect. 39, " this ſum ſhall be applied—Firſt, in paying
" the expence of obtaining the act, and afterwards in
" keeping down the intereſt of the principal ſums bor-
" rowed; the ſurplus to diſcharge the expence of
" erecting, fitting up, and furniſhing the building;
" and when ſuch laſt-mentioned expence ſhall be
" diſcharged, *then* as a ſinking fund to diſcharge the
" principal ſums borrowed."

I CERTAINLY would not have adviſed, nor would I have conſented to any ſhare in conducting the undertaking, had *any* architect's eſtimate been taken as the ultimate coſt, and no ſurplus provided to diſcharge an exceſs. To have given the Commiſſioners a power to fix the term for liquidating the debt, (as done by the new general law,) and to have aſſeſſed the annual ſum for intereſt and redemption in proportion to the ſum borrowed, and term of payment fixed, would have left the burthen of the exceſs on the tenantry at the diſcretion of the Commiſſioners; whereas the annual aſſeſſment being fixed by law, and its application open to diſcretion, an extenſion is given, which adapts itſelf to circumſtances; an extenſion, from which the tenant is wholly ſecured, and which cannot be carried to an extreme againſt the landlord.

THE

THE Commiſſioners may borrow ſo long as 2,000l. per annum ſhall be conſidered by a lender as good ſecurity for intereſt and redemption of the total ſum raiſed; for inſtance, they may certainly borrow more than 28,000l. the ſum firſt calculated; but they can not borrow 40,000l. for, as there would no longer be a ſinking fund, there would be no lenders.

*Supply of Coſt of the Reform of the Priſons of the County of Gloceſter, reſolved on by the General Meeting, held on the 6th October, 1783.*

| | £. | s. | d. |
|---|---|---|---|
| Borrowed on the credit of the fund ſet apart under the powers of the act, 25 Geo. III. c. 10. ſect. 37 and 39 - - - - - - - - - - - - | 32,485 | 0 | 0 |
| Balance remaining due to the Treaſurer, which ſum, it is agreed, ſhall bear an intereſt of 4l. per cent. to be firſt liquidated by the ſinking fund, before any mortgage ſhall be diſcharged - - - - - - - | 2,388 | 14 | 1 |
| Taken from the ſinking fund and applied in carrying on the work - | 9,563 | 17 | 3 |
| Received from the Lords Commiſſioners of his Majeſty's Treaſury, being the amount of a grant from the Crown, for ſo much money to be raiſed by the ſale of timber from the Foreſt of Dean - - - - | 2,000 | 0 | 0 |
| | £. 46,437 | 11 | 4 |

I SHALL

I SHALL not occupy your attention by any defence againſt ſuch vulgar conceits as are generated by wilful perverſion of palpable truth; let their authors enjoy unrefuted their hour of deluſion; but I feel it due to the opinion of thoſe whom ignorance of the principle of this tranſaction may miſguide, to offer the fulleſt ſtatement of the fact; that done, I ſhall leave concluſions to themſelves.

THE principle of the law of England determines, that the burthen of the police eſtabliſhment ſhall be borne by the occupant of real property, for the wiſe reaſon, that it is the occupant who is chiefly benefited by its protection.

IN my laſt addreſs to you, I ſtated it as my opinion, that "although the letter of long-eſtabliſhed "laws had made the tenant anſwerable for the con- "ſtant contingent demands of the police eſtabliſh- "ment, yet, as the neceſſity of the preſent expendi- "ture had ariſen from the accumulated neglects of "the landed proprietors, and as the reform muſt be "preſumed to be of great permanent benefit to their "property, I conceived it to be an inequitable ad- "herence to a legal principle to lay the whole weight "on the tranſient poſſeſſor."

To have propoſed (in a ſpecial inſtance) a total diſpenſation from the principle of the general law of the land, would probably have ſacrificed the bill in which ſuch a diſpenſing clauſe was introduced; nor, indeed, was I any way authorized to propoſe ſuch a

meaſure to the landlords of the County. To take a medium on the principle of the general law, I conceived to be the moſt equitable, as well as the moſt prudent line; and therefore I recommended the plan which has been introduced into your bill: I believe it to be the utmoſt relief to the tenants, that Parliament would have admitted; and in the ſame degree that relief has been procured to them, has a burthen been impoſed on the landlords; yet I am ſorry to obſerve, it is from the occupants relieved, rather than from the landlords burthened, that murmurs have originated.

It is the nature of all taxes on real property, that although (in the firſt inſtance) they are aſſeſſed on the tenant, they ultimately find their way to the owner of the fee; to the *occupant* they are a burthen, tranſient as is his leaſe; to the *landlord*, perpetual, not only ſo long as he remains poſſeſſed of the eſtate charged, but from which he muſt redeem that eſtate at his own coſt, on the firſt alienation; every impoſition therefore that is permanent, and foreſeen by the tenant, is ſo much of the landlord's rent paid by the tenant to the aſſeſſor of the tax; a tax for the purpoſe in queſtion, had it been raiſed under the powers of the general law, (being a charge unforeſeen, and levied before the termination of exiſting agreements,) would have been ſo much in addition to the rent paid to the landlord; therefore, a complete and unavoidable tenant's tax; whilſt in our own inſtance, thoſe tenants, and thoſe only, who occupy lands on leaſes exiſting previous to the

year

year 1785, are annually charged during the continuance of ſuch leaſe, with ſomething leſs than one penny in the pound, ſuppoſe about 3-8ths per cent. Thoſe who have made their agreements ſince that time, can no more be conſidered as burthened by this rate, than by that portion of the poor's rate, which hath been impoſed on the eſtate 200 years before they entered on its occupation.

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With regard to the item of 2,000l. granted from the Foreſt of Dean; as the propriety of this grant, as a meaſure of government, has been ſomething canvaſſed in a late public report;* it appears proper to ſhew the ground on which the petition for it was admitted.

You may remember, that at the laſt County Meeting, I ſuggeſted the idea of aſſiſtance by grant of timber from the foreſt, on the general plea of *encouragement to the deſign:* we failed in our application; the anſwer given to it was, "that other counties would "have like pretenſions;" changing the ground of our petition, it was ſtated, that, in the propoſed reform, the Crown-lands would at leaſt reap equal benefit with other lands of the County, (they were indeed to be peculiarly accommodated by a diſtinct building within the precincts of the foreſt,) and that the vaſt tract

* See the Report of Commiſſioners for ſurveying the Foreſt Lands, relative to the Foreſt of Dean.

of land, which, under its preſent vicious policy, is withheld from national or parochial contribution, muſt conſequently eſcape the burthen of the improvement, at the expence of the inhabitants and proprietors of other parts of the County, unleſs aided by ſpecial grant. This plea was admitted, and 2,000l. was paid towards the general fund, without deduction of fees.

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HAVING thus ſtated the amount of the debt funded on the County Rate, it may be expected I ſhould ſpeak of the means of liquidation.

I HAVE already obſerved that the act was drawn on the preſumption of borrowing 28,000l. at an intereſt of 5l. per cent.; in this caſe the 2,000l. per annum would have produced a ſinking fund of 600l. which would have redeemed the principal in twenty-five years; but the ſum of 34,873l. 14s. 1d. has been borrowed, 18,085l. at an intereſt of 4½ per cent. 16,788l. 14s. 1d. at 4l. per cent. the ſinking fund is therefore but 514l. 13s. the exact operation of which muſt depend on chance. By the act, "Before any money "ſhall be applied to diſcharge any mortgage, the "order in which all mortgages ſhall be diſcharged, "ſhall be determined by lot in manner directed;" ſhould the mortgages bearing the higher intereſt be firſt drawn, it will, of courſe, accelerate the operation of the fund, and the contrary, if the reverſe; preſuming they ſhould be equally drawn, the period of liquidation

liquidation will be about thirty-two years; which is to ſay, that the 6,873l. additional money funded will have extended the final term of payment ſeven years, giving to the laſt ſum borrowed the appearance of a charge on the public double to that of the firſt ſum.

It has been ſaid, "that the ſyſtem of anticipation, which has exonerated the tenantry, is burthenſome on the public at large, and injurious to the general intereſt of the County, by ſo much as that 2,000l. per annum for thirty-two years, cauſes a payment of 64,000l. whilſt 34,873l. *immediately* levied, would diſcharge the whole expence."

To this I anſwer, 1ſt, as before proved, ſuch a mode of levying would be inconſiſtent with the ſyſtem of equitable participation between landlord and tenant. 2dly, This apparent advantage of prompt payment is illuſory, for as much as the benefit accruing to the holder of any principal ſum to his uſe, is clearly equal to the increaſed *total* of monies paid as an annuity for its intereſt and liquidation, for any given time, ſuppoſing the ſum reſerved in hand ſhould *only* be employed at a *like intereſt* to that by which the annuity is calculated: but ſuppoſing, (as muſt be preſumed, of the claſs of perſons charged with this rate, for whom we ought to have the chief conſideration,) ſuppoſing, I ſay, that a *commercial intereſt* is made of the money retained, whilſt the annuity is calculated at an intereſt of only $4\frac{1}{2}$ per cent.; it is then *more* than equal; it is *for the benefit* of ſuch claſs

claſs of men to pay ſuch an annuity, rather than ſuch principal in prompt payment.

To elucidate this propoſition, put a caſe hypothetically; ſuppoſe an individual to have an option, either to pay 30,000l. *prompt*, or to pay that ſum accumulated at compound intereſt at 4 per cent. at the end of thirty years. At the end of that time it will require 97,000l. to pay it; if he employed his money in a 4 per cent. fund, of conſequence his capital in hand will have increaſed to 97,000l. and, of courſe, he neither gains or loſes. But ſuppoſe the individual ſo ſituated as to employ the principal ſum in any *commercial* or *agricultural* ſpeculation, and preſuming a very moderate profit, that he makes 6 per cent. of his money, his capital will have increaſed to 172,000l. and he will have gained 75,000l. by retaining his principal.

Now what is true in the large ſcale, is more forcibly true in detail. The profit made on ſmall capitals, employed by the farmer or ſhopkeeper, is proportionably greater than the profit on larger capitals; *greater* then muſt be the advantage of retaining it. But to the caſe in point; is it advantageous to the farmer to pay 1l. per annum for thirty years, or ſhall he immediately pay 17l. 5s. which is the price of its redemption, at the intereſt paid by the County? Suppoſe the farmer to uſe his 17l. 5s. only at a profit of 6 per cent. it will at the end of thirty years have accumulated to 99l. whilſt to pay 1l. per annum for thirty

thirty years, when money is at 4½ per cent. it will at the end of that time be no more loſs to him than 58l.; there will therefore remain to him a profit of 41l. by his retaining it.*

I CONCLUDE this part of my ſubject by ſtating to you, that the public are in ſome few inſtances indebted to the liberality of individuals for benefactions to the work.

LORD CHEDWORTH has made a gratuitous grant in fee of the land on which the priſon at Northleach is built.

HENRY STEPHENS, Eſq. has in like manner preſented to the County the land on which Horſley Priſon is built.

LORD SHERBORNE declined to accept a compenſation for landlord's damages on his eſtates near Northleach, occaſioned by digging for materials.

MR. PACEY, tenant to Lord Sherborne on the lands above-mentioned, would not accept damages for breaking ground and injuring his crops by the carriage of materials for five years.

MR. LOVESEY, tenant to Lord Chedworth, made

* To gentlemen accuſtomed to calculation, theſe details will appear familiar and trifling. But it will, I hope, be conſidered, that to *all* who are intereſted in this Addreſs, it is my duty to give a *full and correct* explanation both as to facts and principle.

no

no claim for his damages, in conſequence of the building at Northleach.

HAVING now conſidered the proceedings and accounts in every light that has occurred to me to be explanatory of the principle on which the buſineſs has been conducted, if I have omitted any obſervations which can aſſiſt the judgment of this meeting, I truſt that gentlemen will remind me of it.

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So far as to what is paſt: I have now to ſubmit to your conſideration ſome points, wherein I think your opinions ſhould guide the future conduct of the Commiſſioners and Magiſtrates.

1ſt. ALTHOUGH it appears that the original deſign of our buildings is completed, yet improvements may hereafter be ſuggeſted, which it may be adviſeable to adopt; ſuppoſing ſuch to be adopted, from what fund ſhall the expence be paid? Shall they be conſidered as repairs, the coſt of which the Magiſtrates in Seſſions ſhall diſcharge from the ordinary County Rate; or taking them as part of the original plan, ſhall the coſt be paid from the appropriated fund? The act is not ſilent in this caſe; it ſays, "That the ſum borrowed ſhall be applied to "defray the expence of building the Gaol, Peniten-"tiary-Houſe, &c. and of otherwiſe carrying the act "into execution. That the ſurplus of the 2,000l.

"*after*

" *after* paying the intereſt of the money borrowed, " and *before* ſuch ſurplus ſhall be applied as a ſink- " ing fund, ſhall be applied in diſcharging the ex- " pences of erecting, fitting up, and furniſhing the " ſaid New Gaol, Penitentiary-Houſe, &c." But, " that at all times after opening the Penitentiary- " Houſe, the expences of repairing the ſame, with " the buildings, eaſements, and appurtenances thereto " belonging, and all other charges and expences ne- " ceſſary for ſupporting the ſame, in conformity to " the directions and intent of this act, ſhall be paid " by the County Rate, and the Juſtices of the Peace " ſhall make proviſion for the ſame."

" ALL HOUSES OF CORRECTION, from the time " of their being firſt uſed as ſuch, together with their " buildings and appurtenances, ſhall be repaired and " ſupported as Houſes of Correction are by law re- " paired and ſupported."*

I KNOW only one addition to the work which can cauſe this to be a queſtion of conſequence in *fact*, though certainly important on point of *principle*. In the original deſign for our priſons, it was intended to give an additional ſecurity to the boundary walls, by fixing a chevaux de friſe upon the coping. This being a coſtly item of the particular; not being ſatisfied that the plan originally given for it was a good one, and, further, conceiving it might be totally omitted without danger, I have hitherto adviſed that it ſhould

* See the County Act.

be

be omitted; I am now free to own, that ſome late accidents have altered my ſentiments;* I think that when a good and effectual plan ſhall be fixed upon, it will be prudent to add ſome additional ſecurity to the boundary-wall of the Gaol.

Should it be thought adviſeable to make further payments from the ſinking fund, I muſt obſerve to you that it will procraſtinate the term of final liquidation of your debt, in the proportion of 1½ year to every 1,000l. applied.

2dly. In fixing on ground whereon to build the Gaol, the Commiſſioners are required "to have re-"gard to the airineſs and healthineſs of the ſituation, "to the avoiding all ill ſmells and the being over-"looked, and for this purpoſe to purchaſe lands and "houſes, not only for building the priſon thereon, "but alſo for obtaining a clear ſpace of ground ſur-"rounding the ſame for the purpoſe of ſecuring a "free circulation of pure and wholeſome air, and "and thereby preventing Gaol Fevers and other "malignant diſorders." Lands and premiſes have been purchaſed completely adequate to theſe purpoſes; and though ſituated in a great city, and cloſe to a commercial river, this benefit has been ſecured to the County without encroaching upon, or occupying any ground which had been previouſly uſed by the public commerce of the city.

The ground ſurrounding your Gaol preſents to

* See Appendix, at the end of this Addreſs.

the

the view of private intereſt the proſpect of advantages totally inconſiſtent with the public deſign. Various have been the applications to me to favour the pretenſions of perſons, who, not having conſidered the public purpoſe for which this property was acquired, have probably taken my refuſal to promote their accommodation as a matter of perſonal hoſtility to them. I have not the right, nor have I the inclination, to determine for the public in points irrelevant to the main object. The Commiſſioners ſurrender the priſons to the Magiſtrates, cleared of every ſurrounding incumbrance. The fee of the ground is veſted in the Lord-lieutenant of the County for the time being, in truſt for the purpoſes of the act. In what manner this truſt ſhall be preſerved, or to what purpoſe the land ſhall be applied, are queſtions which cannot be too ſoon, or too poſitively, decided; it is ſurrendered, in confidence that neither the bias to private, nor indifference to the public intereſt, may ever prevent in the Magiſtrates, the moſt active jealouſy of thoſe advantages which cannot be abandoned without a dereliction of the firſt purpoſe of the acquiſition. To aſſiſt the court of Quarter Seſſions in its protection, full powers are given by the law, but laws will not execute themſelves; and habits of official neglect and forbearance are ſo rooted, that it will require much attention and conſtancy to overcome them.

Trusting I ſhall not be conſidered as dictating to the County, I venture to deliver as my opinion, that to no private or individual accommodation ſhould

ſhould any part of this ground be appropriated; and, further, it ſhould be protected from every inſolent and contemptuous encroachment.* But in any great and ſpirited plan of general improvement of the city, I think this rigid pertinacity ought to yield to reaſonable accommodation.

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GENTLEMEN, your Priſons are now built; and thus, one of many impediments to the due courſe of juſtice in this County is removed; they are powerful, they are *neceſſary* means whereby to enforce the laws, with every degree of diſcrimination which thoſe laws preſume; that their utility ſhall be adequate to the expence of erecting them cannot depend on me; my life will, I truſt, be ſhort in compariſon with the permanency of their effect; and, when poſterity ſhall judge me, on the benefits of this deſign, let them obſerve, that when I ſtated public reformation as the conſequence of it, *I preſumed on a ſpirited and diligent co-operation of a numerous and reſpectable Magiſtracy, to give activity to means, thereby ſubmitted to their controul.*

AT a time when, happily, ALL ORDERS of men are profeſſing an adherence to the theory of our eſta-

* If the Juſtices, when aſſembled at their Seſſions, will allow themſelves time to view this property of the County, they will perceive that the treſpaſſes I allude to are not undeſerving ſuch epithets. They will then alſo be convinced of the neceſſity of ſuch meaſures as ſhall overcome the attempts, before they gain authority from uſage.

bliſhed

bliſhed conſtitution, I may be allowed to urge to ALL ORDERS the neceſſity of thoſe united exertions, which can alone give effect to that very material part of it, which is analogous to the ſubject of this Meeting, and on which the good order of ſociety depends.

IN the whole ſcheme of our internal government, there is no part which more excites our admiration than the arrangement of the powers conſtituted for the peace and ſecurity of the ſubject, where the wiſdom of PROGRESSIVE EXPERIENCE has produced a method not to be excelled by POSITIVE INSTITUTION. The law of England purpoſes the protection of every man in every ſtation; it therefore has depended on the energetic principle of ſelf-intereſt for the performance of thoſe duties which effect that protection. The execution of the whole ſyſtem of police laws is required from the unpaid ſervice of the different orders of citizens, as their education or their habits of life qualify them for the reſpective parts; as no honeſt or induſtrious man exiſts in this country without an intereſt in good order, no man can be idle or indifferent in his ſtation, without cauſing a proportional derangement of the machine which produces it.

THE remaining impediments to a due adminiſtration of the laws, to which on a former occaſion I alluded, have ſince been enlarged upon by perſons much my ſuperiors in conſequence and ability; they are, I hope, at this time in the contemplation of thoſe who can beſt apply the remedy. Certain it is, that a SENSE OF PRIVATE BENEFIT ARISING FROM THE

PERFORMANCE OF PUBLIC DUTY, (which is the eſſence of our laws,) SLEEPS IN THE BREAST OF THE PUBLIC. Let it be our endeavour, as it is our duty, to awaken this ſenſe; equally avoiding the timid inactivity which ſubmits to evident evil, and a raſh violence in reforming it. To urge PUBLIC GOOD as a motive for action, when viewed in apparent oppoſition to the intereſt of the individual, is depending on impreſſions too abſtracted for common application. But the *public* good is *not* ſo oppoſed to the *individual*; it is, in fact, no other than the aggregate of individual intereſts to be promoted *only* by an aggregate of individual exertions.

I HAVE now done with all that affects the public. You will allow me to detain you for an inſtant on a point perſonally intereſting to myſelf.

WHEN the Gentlemen of the County *in their confidence* depended on me to direct a buſineſs in which ſuch various intereſts were about to be affected, they probably did not conſider that they made me the point of reſponſibility for all the objections that ſhould follow the meaſure, and that the public would freely exerciſe their ſcrutiny into what is termed my PRETENSIONS to ſo oſtenſible a ſituation. It is natural to man to aſcribe adequate motives to all human actions; it is therefore not wonderful that the field of probability ſhould be traverſed to fix the motives which engaged me to encounter ſo invidious an employment of my time. Freedom of opinion, on theſe points, has been exerciſed, as the propenſities,

propenſities, the jealouſy, the intereſts of individuals have diſpoſed them. I have neither been an unconcerned nor an unfeeling obſerver. Had I ſtopped in my courſe to vindicate my motives, or to contend for my pretenſions, I ſhould have ſacrificed my duty to my feelings; the neceſſity for reſerve is no more, —a word therefore on this ſubject.

When required to carry into execution the wiſhes of the general meeting, I certainly was not ſo unconſcious of my own ſituation, as to meet the public criticiſm on grounds of my perſonal conſequence in this County, nor was I ſo unlearned in the motives of popular opinion, as to ſuppoſe I ſhould cultivate the applauſe of ſuch as decide from firſt impreſſions, by introducing a ſpeculative plan of *future* reform, which was to be purchaſed by *preſent* ſacrifices.

Unconnected as I am with the leading and deciding intereſts of the County, the ſyſtem I had to propoſe could not be foſtered by the prejudices of *any* powerful connection; it preſented itſelf to public attention free from every extraneous influence; if it could not ſupport itſelf on its own good policy, it muſt have withered in the bud. Deſpiſing unfounded cenſure, I have never *expected* approbation but from the few who ſeek concluſions beyond firſt and intereſted impreſſions; I will add, I have *courted* it no where ſave in my own breaſt. Time will correct the coarſeſt prejudices; when the turbulence of the

torrent of popular opinion ſhall ſubſide, the purity of the bottom will be ſeen.

To thoſe who enquire into my motives, I anſwer, The impreſſions on the mind, which are our ſprings of action, are frequently inexplicable to others; the gratification of acting in conformity to them is a private and interior feeling. Struck with the vaſt theory of priſon-reform, which had been directed to the feelings and to the policy of mankind, I undertook the taſk of reducing it to practice on a much broader principle than that of mere provincial regulation. I freely own I had no idea of engaging myſelf in the detail of execution as I have done; but, being ſo engaged, I thought myſelf bound in duty and in honour to complete what I had begun. I do not conceive that great public obligation is due to any man who does no more than that which, if not done, would be an omiſſion of duty, and a ſhame to himſelf; yet, on the other hand, I ſhould have credit for more ſtoiciſm than I poſſeſs, if, without ſome ſenſations of diſguſt, I could perceive the neceſſity of explaining my motives for engaging in the ſervice I have gone through.

From ſuch ſuggeſtions as ariſe from baſe and depraved opinions of mankind, I ſcorn to vindicate any part of my conduct; to thoſe who are cold to a ſenſe of duty as an incentive to action, as I fear I ſhould not ſpeak to their feeling, I could not reaſon to their conviction. To you, and to you *only* therefore, who were rouſed with me to action by the ſame cry of injured

injured juſtice and humanity, and who determined on redreſs, by means adequate to the end; to YOU who have the greateſt intereſt in the welfare of the County; to YOU convened as that County, and therefore competent to ſpeak its ſenſe; to YOU, and to your opinions *only*, I will ſubmit my conduct in this ſervice; from YOU I claim a juſt deciſion, which ſhall cloſe my ears againſt all future declamation. I beg not to be miſunderſtood: the deciſion I ſolicit muſt *not* be a compliment on my endeavours;—for ſuch I am already too much your debtor, and to ſuch it may probably be imagined the public intereſt has already been ſacrificed. It muſt be a deciſion on the facts, unbiaſſed by any abſtract opinion foreign to the point before you.

IF, by attention to the object of your commiſſion, I have been inſtrumental in deſtroying the ſource of a deſolating peſtilence; if I have alleviated the maſs of human miſery; if I have ſheathed the ſting of law from the aggravation of official neglect, and from the effects of a corrupt and mercenary adminiſtration; retiring from the conſpicuous poſt in which your confidence has long ſuſtained me, I ſhall regain the ſphere of private duty and domeſtic enjoyment with the gratification of having ſatisfied my own mind. I ſhall have obtained the end I ſought in your employment.

G. O. PAUL.

# RESOLUTIONS

*Of the General Meeting of the County of Glocester, held at the Boothall, July 9, 1792;*

THE HIGH SHERIFF IN THE CHAIR.

*THE account of the expenditure in building the Gaol and Bridewells of the County being examined and compared with the vouchers, was found to be completely correct.*

RESOLVED,

*That the ſtatement of Proceedings now delivered by* SIR G. O. PAUL, BART. *is highly ſatisfactory to this Meeting, and that he be requeſted to cauſe the ſame to be printed and publiſhed for the more general information of the County.*

*That this Meeting is unanimouſly of opinion, that the building the Gaol and Bridewells of the County, has been conducted according to the intent of the General Meeting held on the 6th October, 1783; that the plans adopted are fully conſonant to the purpoſes for which they were deſigned; and that the expence has been ſupplied by means moſt equitable to the claſs of perſons, who, by law, were liable to the ſame.*

*That the thanks of the County be preſented to* SIR GEORGE ONESIPHORUS PAUL, BART. *and the other acting Commiſſioners who have conducted, and brought to*

*to concluſion, this great and public work; alſo to thoſe Magiſtrates who have formed regulations for the management of the ſame; which, having already been adopted in ſeveral other Counties, have contributed to a more perfect eſtabliſhment of public juſtice in the kingdom in general.*

*That in caſe any alterations in the Priſons ſhould be thought adviſeable at any future time before the final liquidation of the County debt; it is the opinion of this Meeting, that the expence thereof ſhould be paid from the fund under the direction of the Commiſſioners, in relief of the ordinary County Rate; provided that the whole amount of ſuch diſburſements, ſhall not exceed the ſum of* 1000*l.*

*That it is the opinion of this Meeting, that the clear ſpace of ground ſurrounding the County Gaol, purchaſed under the directions of the Act, for the purpoſe of ſecuring a free circulation of pure and wholeſome air, ſhould not be let on leaſe to any perſon, or for any purpoſe whatſoever; and that it is recommended to the Magiſtrates to cauſe the ſame to be properly fenced and ſtrictly protected from treſpaſs or encroachment.*

*That the thanks of the Meeting be given to the Noblemen, Gentlemen, and others, who have favoured the undertaking by gift of land or other accommodations.*

*Signed at the unanimous requeſt of the Meeting,*

JOHN EMBURY,
High-Sheriff and Chairman.

# APPENDIX.

*Observations on the late Escape of Prisoners from the County Gaol, by way of Note, to page 46 of the Address.*

THE accident alluded to in the 46th page of the Address, was an escape of several prisoners over the boundary-wall; since the meeting of the County other prisoners have succeeded in a like attempt; and thus the opinion given to the meeting has been forcibly confirmed.

It is not easy to conceive that escapes can be effected from a gaol properly constructed, and duly regulated, without a fault or neglect in those entrusted with its keeping; there must therefore exist a defect either *in the building of the gaol itself*; *in the regulations made for its government*; or, *in the attention of the officers to those regulations*. The causes assigned by the persons in trust, are, in general, merely calculated to cover their own neglect; those which have reached my ears, on the present occasion, appear to be of this description. I take advantage of the order to print this Address, to enable the public to form a right judgment for themselves, on the *past* or any *future similar* event.

The cruel means usually applied to secure the safe custody of prisoners by loading them with chains, indiscri-

indiſcriminately, or in proportion to their inability to pay for a diſpenſation, was one of thoſe acts of oppreſſion, which firſt ſtimulated the exertions of the friends to this ſpecies of reform. By reference to pages 19 and 20 of the firſt Addreſs to the County on this ſubject, it will appear, from authority not to be diſputed, that to ſecure priſoners by force of chains and fetters in their *ordinary* cuſtody, is not warranted by law, and is therefore inconſiſtent with juſtice.

It is the chief purpoſe of the late improvement to render this mode of ſecurity totally unneceſſary, and to adopt, in its ſtead, *a ſafe cuſtody ariſing from a peculiar mode of conſtructing the building, applied to its purpoſe by a ſyſtem of keeping, to be eſtabliſhed by a body of regulations.* On the leaſt reflection it muſt be evident, that to depend merely on conſtruction without regard to regulation, confinement would be little leſs ſevere or unjuſt, than under the old eſtabliſhment; and that the *more* can be obtained by rule and diſcipline, the *leſs* of bodily reſtraint will be neceſſary to keep the priſoner; in purſuit of this principle, it is poſſible we may have gone too far; it is certainly the caſe, if it appears we have depended on ſuch a degree of attention in the keepers as is not attainable.

I am decidedly of opinion, that the locks and bolts are ſufficiently complete, and that the walls need not be raiſed, to ſecure priſoners without chains, provided the rules are correctly underſtood and obſerved; and further, I cannot perceive that the rules are difficult either

either to underſtand or to obſerve, with the application of common talents. Have facts controverted this opinion? If ſo, although we ought not to overlook either a defect of intellect, or a want of attention in our officers, we muſt undoubtedly ſecure the public againſt *temporary* ill conſequences. It is certainly *poſſible* to make ſuch addition as will prevent every means of eſcape, ſave that of treachery; but I muſt obſerve, that no means of ſecurity can be added to what are already provided, without loſing a proportional degree of advantage in other reſpects; nothing more than neceſſary therefore ſhould be added, and the neceſſity ſhould be clearly eſtabliſhed.

The ſecurity of the priſon may certainly be increaſed, either, 1ſt, *By rules enforcing an increaſed degree of conſtraint upon the priſoner*; 2dly, *By introducing additional bars, bolts, and locks*; or, 3dly, To prevent the conſequences of neglect, *the walls may be rendered unaſſailable:* but it ſhould be obſerved, that as the priſoner muſt have eſcaped the precautions provided for his ſecurity both by diſcipline and by locks, before he arrives at the wall; the keeper ought not to depend on the wall as a ſecurity againſt his neglect.

As to the firſt mode, viz. By rules *enforcing an increaſed degree of conſtraint of the priſoners*; from any obſervation I have yet made I can adviſe no change or alteration; the reſtraints impoſed by the rules appear to be neither more nor leſs than ſufficient to attain the end deſigned, as they regard the different claſſes of priſoners. Unconvicted Priſoners

SONERS are no farther reſtrained than a due attention to their health and ſecurity abſolutely requires; neceſſary ſuſtenance is provided for them by the public, whilſt, by the total prohibition of ſtrong liquors and the unreſtrained permiſſion to procure every other article of food, their expences are directed in a proper courſe, and their health is ſecured even againſt their will. The uſe of irons, limited to the *daring* and *refractory* offenders of this claſs, I conceive to be the utmoſt that ought to be admitted, and to be fully ſufficient for their ſecurity, *with proper attention*. The ſeeing their friends ought certainly not to be reſtricted, and cannot be dangerous, *if the rules are attended to*; and, if they are not, the keeper (whoever he be) ought to ſuffer for eſcapes which may be the conſequence.

RESPECTING FELON CONVICTS; the rules have, in my opinion, with much propriety, directed the puniſhment to the *mind* rather than to the *body*. Their clothing is comfortable, yet humiliating; ſecluded from the ſociety of their friends, they are daily viſited by gentlemen attentive to their ſpiritual and bodily welfare. Food is prepared for them ſufficient for all the purpoſes of life and health, whilſt the uſe of money is denied; and, by this denial, every means of luxury, of partial indulgence, and of corruption, is prevented; whatever were the former habits or connections of the MAN,—degraded by guilt before his country as a PRISONER,—all diſtinction ceaſes, ſave that of the ſhade of turpitude, of his offence. Should there be amongſt this unhappy miſguided claſs, any perſons

perſons whoſe former ſuperior ſituation ſheltered them from thoſe temptations to which abſolute penury and ignorance are expoſed; to ſuch, the ſufferings which are *poſitively* equal, will be *relatively* greater, *as they ought to be*; for from him to whom more is given, ought more to be required.

THIS diſcipline the Magiſtrates (in forming their rules) doubtleſs conceived to tend to the great end of all corrective puniſhment. The offender, no otherwiſe puniſhed than by corroding reflections on his crimes, and the denial of his accuſtomed habits; no otherwiſe degraded than in *his own* eſtimation, is reſtored to ſociety in ſuch health of body, and (where the hope of penitence is not forlorn) ſo reformed in mind as to become an uſeful member of the community.

THE priſoners confined in this diviſion have hitherto been about thirty. Not *more* than one of them has yet been ſo ſick as to be removed to the hoſpital, *not one* has died in it. And I venture to aſſert, that more healthy men will not be found in thirty of any one claſs of his Majeſty's ſubjects. For theſe reaſons, therefore, *I cannot adviſe any addition to or even alteration in the rules for regulating the priſon.*

2d. IN regard to *the locks and other mechanical means of ſecurity to the priſon*, of which ſo much has been ſaid, and ſo little underſtood; I am ſorry it appears at *this time* neceſſary to explain the principle on which this part of our improvement has been directed.

IN

In Gloceſter Gaol the number of doors exceed 560: ſuppoſing only one faſtening to each door, and the priſon to be full of priſoners, there would be juſt ſo many locks to be faſtened every night, and opened every morning. Suppoſe only one priſoner confined in each claſs, there would be 180 locks. In the preſent ſtate there are not leſs than 250 doors which (if the keeper does his duty) muſt be ſecured every night, and opened every morning; allowing only one minute to each door (which, with the old ſyſtem of bars, bolts, and padlocks, was ſurely not too much) it would employ four hours of the time of one man, or one hour for four perſons, at each opening and ſhutting the cells and wards. A reflection on this conſequence of the multiplicity of doors introduced by the new ſyſtem, prompted the Commiſſioners to an enquiry into the poſſibility of making locks and bolts, not on a more inacceſſible principle than had hitherto been invented, (for that, if *not impoſſible*, was *unneceſſary*,) but on ſuch a one as ſhould ſave time by ſimplifying the means of ſecurity; *to diminiſh the number of motions and to increaſe the powers*, where it was rather required to provide againſt *force* than *ingenuity*; and where (together with the *force*) the *ingenuity* of the priſoner was to be counteracted; *there to provide locks which, being compoſed of the moſt ſolid and ſimple parts, ſhould not be liable to the conſequences of decay or injury*; to *theſe* and to *no other* purpoſes were the inſtructions given to the gentleman employed; I certainly thought he had ſucceeded before I recommended the adopting the models; I think not leſs ſo, after the moſt attentive enquiry into the cauſes of the late eſcape.

There

THERE are 24 kinds of locks and bolts adopted in the Gloceſter Priſon, certainly not *all* impervious to an expert picklock, who could have acceſs to them; nor is it by any means neceſſary to allow to *all* ſuch an expence as would render them ſo; three-fourths of the locks are fixed as bolts on the outſide of wooden doors, to which the priſoner *within* cannot have acceſs, until he has paſſed ſuch door. It is evident, that, in this ſituation, it is his *force* and not his *ingenuity* that is to be guarded againſt.

To ſay that a lock ſhall not be opened by an ingenious mechanic, at liberty to obtain tools and inſtruments to his purpoſe, is to admit a perfection believed not to exiſt, but moſt certainly not to be obtained without ſuch delicate and complicated parts as render it unfit for the rude ſervice of a Gaol. Mr. Bramah's lock is probably the neareſt to a perfection of this kind; a lock was therefore ordered from Mr. Bramah, and laid before the Commiſſioners; it was thought unfit for the ſervice to which it was to be applied, by reaſon of thoſe very ingenious and delicate parts which fitted it for cabinet uſe; but, ſuppoſing this lock applicable, would it have been prudent to have applied a lock of the value of three guineas to each cell door? This one article would have amounted, in the Gaol only, to 1100l. whereas it appears that the coſt of all the locks, bars, and bolts uſed in the priſon, with all the ſmith's work of that and every other kind in *fitting it up*, amounted to no more than 740l.

THE

THE lock which has been adopted for the cells, and which is in fact no other than a lock of separation of priſoner from priſoner, is, in my judgment, the beſt that can be contrived *for its purpoſe*. It poſſeſſes ſimplicity and ſtrength beyond any other; and it is ſcarcely poſſible its parts can be miſplaced, or decay; it is faſtened as a bolt, (without a key,) ſo that the keeper may direct an inferior turnkey to ſecure the priſoners, and not truſt out of his poſſeſſion the key, by which alone it can be opened. This lock, in its application, is ſecured from the attempts of the priſoner by a wooden door, which muſt be cut through by tools (which tools can be obtained only through negligence of the keepers) before he can attain the lock; and when he has attained it, it is not acceſſible to any picklock, which, with any tolerable attention to the regulations, a priſoner can poſſeſs.

SUPPOSE a priſoner, by his own ingenuity, and the careleſſneſs of his keeper, thus to have paſſed the doors of his cell, he has then oppoſed to him the door of his ward, ſecured by a lock which, I venture to ſay, is completely adapted to its purpoſe, viz. is as ſecure againſt ingenuity as is conſiſtent with the ſtrength *indiſpenſible* in a gaol lock. Yet, in fact, priſoners have eſcaped; it is then certainly the duty of the Magiſtrates to enquire into the cauſes, and apply a remedy.

THE firſt eſcapes which happened were in the day time,

time, by means of ladders uſed by the workmen employed in completing the priſon, which workmen were ill affected to the laws and to the keepers; theſe muſt paſs unnoticed.

The firſt inſtance of eſcape *after the workmen were removed* was that of Andrew Leary; no lock was then *attempted* to be opened; for, from the inattention of the officers, none was oppoſed to him. On the night of his eſcape, the doors of his cell were left open, and he was at liberty to purſue the means his extenſive ingenuity ſuggeſted, to paſs the walls of his diviſion; this he effected by cutting the ropes from the different bells (to which he got acceſs), with a *razor* very *irregularly* ſuffered to be in his poſſeſſion.

In the laſt inſtance, the men who eſcaped were locked into their cells; one of them, having obtained a gimlet, worked a hole in his wooden door, and thereby gained acceſs to the lock; this he did not pick, but opened it by means of a falſe key, which he was an entire month in working to his purpoſe with tools uſed in the manufacture, *unobſerved by the manufacturer*; with the ſame key he liberated two other priſoners.

Having got out of their cells, the three priſoners met with no difficulty in paſſing the gate of the diviſion, for the *night-lock was not ſecured*;—an inattention which, having frequently been obſerved by the priſoners, prompted them to their deſign. Thus eſcaped

eſcaped from the interior ſecurity, they ſcaled the outward wall by means of a rope ladder made of cordage at different times ſecreted from the manufacture, alſo *unobſerved by the manufacturer*. The concluſion ſeems by no means doubtful, *That there has been* in the keeper, *great neglect of thoſe means of ſecurity which are ſuppoſed to exiſt from regulation*; *and ſtill greater neglect* in the manufacturer, *in not attending to the quantity of his materials and the number of his tools*, and in ſuffering priſoners, *under his care*, to *have acceſs to thoſe tools, when not under his inſpection*. I fear alſo, it proves we muſt provide an ultimate ſecurity beyond our dependance on the attention of the keepers; and if it is proved that further reſtraint on the priſoners would be *improper*; that further ſecurity in the locks is *unneceſſary*; we have only the alternative to raiſe the walls and to arm them with chevaux de frize.

If it be aſked, "Why were the walls conſtructed "ſo low at the firſt building?" It is anſwered, that *provided they are high enough for ſecurity, they cannot be too low for the purpoſes of health and ventilation.*

When the plans of our buildings were firſt made public, they excited the attention of many philoſophic friends to this ſpecies of reform, who favored me with numerous obſervations and criticiſms. Of theſe, one of the moſt able in medical obſervation (though perſonally unknown) addreſſed to me the following queries, which will fully explain the nature of my caution.



1. "Is

1. "Is it not abſolutely neceſſary, in order fully "to obviate the bad effects of that ſtagnation of air, "and accumulation of putrid effluvia, from whence "the unhealthy ſtate of our Priſons is chiefly derived, "that the place of confinement ſhould be frequently "ventilated by currents of freſh air taking their "courſe freely in an horizontal direction?

2. "Is it poſſible that this can be effected, when "the place of confinement is incloſed by four walls? "On the contrary, will not infection, once received, "continue to exert its deleterious powers for a great "length of time, in defiance of every precaution that "human ſagacity can ſuggeſt?

3. "Would not an encloſure by a dry moat and "ſunk fence be a ſufficient ſecurity, inſtead of the "general method by four walls riſing high above the "level of habitation, provided ſeparate apartments "were aſſigned to each priſoner, and eſcapes guarded "againſt by a *rigid and regular police?*

4. "In addition to the attention and fidelity of "the keepers, might not an obſervance of ſuch rules "and orders as public wiſdom may preſcribe, be en-"forced by the aſſiſtance of a Committee of Magiſ-"trates or Viſitors ſitting weekly, by rotation, at the "gaol, as is the practice at the houſes of induſtry in "Suffolk and Norfolk?"

Although I certainly could not adviſe to admit this precaution to the full extent it was ſuggeſted, the principle

principle is certainly undeniable; and therefore I adviſed that the walls ſhould *not* be built higher than ſecurity required, and as they might at any time be raiſed, that the neceſſary height ſhould be determined by experience.

The ſubſtitute for high walls, recommended by my learned correſpondent, having failed, and appearing to be one on which we muſt not *fully* depend, we may I truſt overlook an ultimate degree of perfection in ventilation, without riſking the health of the Priſon.

## *An Abstract of the whole Cost of Building of the different Prisons of the County of Glocester.*

| *Heads.* | *Glocester.* | *Horsley.* | *Northleach.* | *Bristol.* | *Dean.* | *General.* | *Total.* |
|---|---|---|---|---|---|---|---|
| | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. |
| BUILDING, including all Masons, Carpenters, Slaters, Painters' Work, and Materials | 18177 0 7 | 4609 13 7 | 3623 3 1 | 3363 1 7 | 2360 6 2 | — — — | 32133 5 0 |
| Lead, Iron, and Glass, used in constructing the Building, under the Contracts for the respective Articles | 2616 10 3 | 676 15 9 | 675 8 2 | 711 14 10 | 266 18 2 | — — — | 4947 7 2 |
| Finishing, in which are included Locks, Bolts, Ironmongery; Fixtures, Iron Bedsteads, Sashes, and all Smiths' Work, and fixing not under Contract | 1831 17 0 | 351 1 3 | 239 8 4 | 303 9 0 | 167 11 1 | — — — | 2943 6 8 |
| Furnishing, including Chapels, Keepers' Houses, Prisoners' Bedding, &c. | 230 3 6 | 138 9 5 | 75 1 0 | 105 8 1 | 62 1 9 | — — — | 611 3 9 |
| Cloathing the Prisoners | 89 9 4 | 0 0 0 | 0 0 0 | 0 0 0 | 0 0 0 | — — — | 89 9 4 |
| Surveying, including Plans, and Architect's Expences, Measurer, Wages of the Clerks of Works for 5 Years, &c. | 1431 7 6 | 399 12 10 | 478 10 0 | 442 12 0 | 379 5 0 | — — — | 3131 7 4 |
| Land | 1422 5 0 | 0 0 0 | 0 0 0 | *0 0 0 | 50 0 0 | — — — | 1472 5 0 |
| Damage, exclusive of what was paid by the Contractor | 0 0 0 | 5 5 0 | 6 6 0 | 15 0 0 | 10 14 9 | — — — | 37 5 9 |
| Contingent | 43 5 4 | 0 0 0 | 13 9 9 | 49 11 6 | 11 19 7 | 953 15 2 | 1072 1 4 |
| Total | 25891 18 6 | 6180 17 10 | 5111 6 4 | 4990 17 0 | 3308 16 6 | 953 15 2 | 46437 11 4 |

* *Note.* The Ground for Building the Bristol Prison was obtained from the Corporation of Bristol, by a Surrender of the Old Prison in exchange.

## *General Costs, under the Title of Contingencies.*

| | £. | s. | d. |
|---|---|---|---|
| STAMPS, including for 340 Mortgage Securities | 111 | 8 | 9 |
| Expence of obtaining the Act of Parliament, including printing Copies of the Bill sent into the County, and Copies of the Act after it was passed | 400 | 0 | 7 |
| To the Clerk to the Commissioners for his Attendance during eight Years, drawing Agreements, &c. | 122 | 2 | 0 |
| To ditto for Law Charges | 75 | 0 | 0 |
| Stationary, including 340 Mortgages on Parchment, and as many Copies on Paper | 41 | 7 | 10 |
| Contingent Expences | 37 | 5 | 3 |
| Repairing the temporary Gaol | 36 | 4 | 6 |
| Land Tax for the Gaol and Ground | 49 | 10 | 0 |
| Insurance of the Buildings during their finishing, 2 Years | 25 | 4 | 0 |
| Printing | 55 | 12 | 3 |
| | £. 953 | 15 | 2 |

*N. B.* The whole Accounts and Vouchers are open to inspection on application to the Clerk to the Commissioners.